



FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT Ralph Joseph Sigler



FEDERAL BUREAU OF INVESTIGATION

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
Attn: Legal Counsel Division

FROM : ~~EDD~~ SAC, BALTIMORE (62-2757) (SQ #9) (P)

DATE: 12/19/79

SUBJECT: ILSE M. SIGLER, ETAL;
MAJOR GENERAL C.J. LE VAN, ETAL;
U.S. DISTRICT COURT
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

RE: Baltimore letter to the Bureau, 11/20/79

Enclosed herewith is updated copy of docket sheet showing recent docket entries in captioned case, as obtained on 12/18/79.

Copy of Judge's memorandum and order of 12/4/79, not in file jacket at time check was made. Clerk's office forwarding copy by mail when available.

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. N-78-
ILSE M. SIGLER, et al	MAJOR GENERAL C. J. LE VAN, et al	PAGE 6 OF PA

DATE	NR.	PROCEEDINGS
<u>1979</u>		
Aug. 24	---	Status conference held before Northrop, C.J.
Sep. 4	139	Motion of Defendant Levan to Dismiss First Amended Complaint; and Memorandum and Attachments. (c/s)
" 19	140	Motion of Defendant, Aaron to Dismiss; and Memorandum. (c/s)
" "	141	Motion of Defendants, Aaron, Grimes, Jones, Martel, Schaffstall, Drake, Conway and King to Dismiss
" 20	142	Copy of Order (Northrop, C.J) "CONSOLIDATING" this action with Civil action No. N-79-918 for purposes of discovery and that all future pleadings, Motions and Discovery be filed in No. N. 78-1237. (c/m 9/20/79)
Oct. 4	143	Opposition of Plaintiffs to the Motion of Defendants to Dismiss. (c/s)
" 9	144	Supplemental Memorandum of Defendants, Aaron, Grimes, Jones, Martel, Schaffstall, Drake, Conway and King in support of Motion to Dismiss. (c/s)
" 11	---	Hearing held before the Court (Northrop, C.J.) on Motions of Defendants to Dismiss
" "	---	Motions Heard and Held in Abeyance.
" 25	145	Supplemental Brief of Defendant Chief Warrant Officer Carlos Zapata in support of his Motion to Dismiss. (c/s)
" 29	146	Supplemental Memorandum of Defendants, Aaron, Grimes, Jones, Martel, Schaffstall, Drake, Conway and King in support of Motions to Dismiss. (c/s)
" 31	147	Motion and Order (Northrop, CJ) extending time for Defendant Clifford Alexander to file Supplemental Memorandum until November 5, 1979. (c/m 11/1/79 - cah)
Nov. 6	148	Joinder of Defendant LeVan, in memorandum of Law of Defendants Aaron, et al. (c/s)
" 9	149	Motion and Order (Northrop, CJ) extending time within which Defendant Clifford Alexander may file Supplemental Memorandum, to and including November 9, 1979 (c/m 11/14/79 - cah)
" 13	150	Points and Authorities of Defendant Clifford Alexander in response to question by the Court; and attachments. (c/s)
" 28	151	Supplemental Opposition of Plaintiffs' to Motions of Defendants' to Dismiss. (c/s)
Dec. 4	152	Supplemental Motion of Defendant PRASEK to Dismiss; Memorandum; and Order (Northrop, CJ) directing said Motion and Memorandum to be filed as therein set forth. (c/m 12/11/79 - cah)

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TRANSMIT VIA:

Teletype
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PRECEDENCE:

Immediate
 Priority
 Routine

CLASSIFICATION:

TOP SECRET
 SECRET
 CONFIDENTIAL
 UNCLAS E F T O
 UNCLAS

Date 1/15/80

TO: DIRECTOR, FBI
 ATTENTION: LEGAL COUNSEL DIVISION

FROM: ~~EDDIE~~ SAC, BALTIMORE (62-2757) (Sq. 9) (P)

SUBJECT: ILSE M. SIGLER, ETAL
MAJOR GENERAL C. J. LE VAN, ETAL;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND,
CIVIL ACTION NO. N 78-1237
MISCELLANEOUS - CIVIL SUIT

Re: Baltimore letter to Bureau, 12/19/79.

Enclosed for Bureau is a copy of "Defendant Prasek's Supplemental Motion to Dismiss".

Motion filed December 4, 1979 in U. S. District Court for the District of Maryland by former Agent Prasek's attorney, Alan I. Baron. Motion asks court to consider Feres doctrine to dismiss action based on recent statement by the Ninth Circuit in Uptegrove v United States, 600 F. 2d 1248 (9th Cir. 1979) "(O)nly the status of the plaintiff, and not that of the tortfeasor, can be considered in determining the applicability of the Feres doctrine".

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② - Bureau (Enc. 1)
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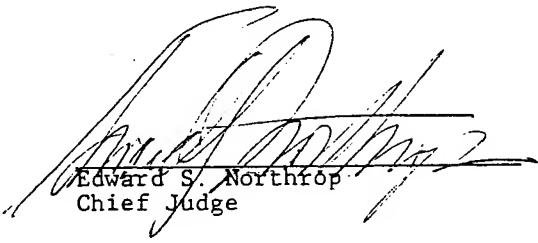
Per _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al. *
Plaintiffs *
v. * CIVIL ACTION NO. N-78-1237
C. J. LEVAN, et al. *
Defendants *
* * * * *

ORDER

Upon consideration of defendant Prasek's Supplemental Motion to Dismiss and accompanying Memorandum, it is this
11th day of December, 1979,
ORDERED, that said Supplemental Motion to Dismiss and accompanying Memorandum be filed with the Clerk of this Court.


Edward S. Northrop
Chief Judge

62-117536-50

DEC 4 1979 RECD

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

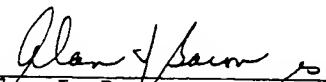
ILSE M. SIGLER, et al. *
Plaintiffs *
v. * CIVIL ACTION NO. N-78-1237
C. J. LEVAN, et al. *
Defendants *
* * * * *

DEFENDANT PRASEK'S SUPPLEMENTAL MOTION TO DISMISS

Defendant Francis (Joe) Prasek, by his attorneys, Alan I. Baron, Ellen Scalettar and Frank, Bernstein, Conaway & Goldman, hereby moves this Court, pursuant to Federal Rule of Civil Procedure 15, to consider the Feres doctrine as an additional ground on which to base a dismissal of this suit against defendant Prasek.

The reasons for this Supplemental Motion are set forth in defendant Prasek's accompanying Memorandum.

Respectfully submitted,



Alan I. Baron



Ellen Scalettar

FRANK, BERNSTEIN, CONAWAY &
GOLDMAN
1300 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza
Baltimore, Maryland 21201
301-547-0500

Attorneys for defendant Prasek

(152) Filed: 4th of December, 1979

62-2757-

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al. *
Plaintiffs *
v. * CIVIL ACTION NO. N-78-1237
C. J. LEVAN, et al. *
Defendants *
* * * * *

MEMORANDUM IN SUPPORT OF DEFENDANT PRASEK'S
SUPPLEMENTAL MOTION TO DISMISS

In his Supplemental Motion to Dismiss, defendant Prasek has asked this Court to consider an additional ground on which to base a dismissal of this suit against him. That ground is the Feres doctrine, which, although previously asserted and argued by other defendants in this action, has not been raised by defendant Prasek.

The reason defendant Prasek did not include the Feres doctrine in his Motion to Dismiss is that the major cases applying that doctrine have not only relied on the military status of the plaintiff, but have considered (either explicitly or implicitly) the military status of the alleged tort-feasor as well, see, e.g., Stencel Aero Engineering Corporation v. United States, 431 U.S. 666, 671, 673 (1977); Feres v. United States, 340 U.S. 135, 138 (1960); Hass v. United States, 518 F.2d 1138, 1140 and 1141; and, unlike the other defendants, Mr. Prasek was not a member of the armed forces, but was rather an F.B.I. special agent, at all times relevant to this action. Mr. Prasek was not in Mr. Sigler's chain of military command, nor was he an employee of the military.

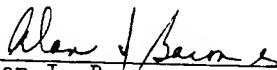
A recent Ninth Circuit case, however, has cast serious doubt on the relevance of the alleged tort-feasor's military status in assessing the applicability of the Feres doctrine. In Uptegrove v. United States, 600 F. 2d 1248 (9th Cir. 1979), the court, in no uncertain terms, upheld the district court's ruling that:

"[O]nly the status of the plaintiff, and not that of the tortfeasor, can be considered in determining the applicability of the Feres doctrine."

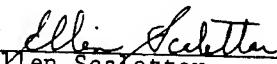
Id. at 1249.

In light of this recent statement by the Ninth Circuit, defendant Prasek incorporates herein the arguments of the other defendants regarding the Feres doctrine, and respectfully requests that this Court include the Feres doctrine with the other grounds of defendant Prasek's previously filed Motion to Dismiss.

Respectfully submitted,



Alan I. Baron



Ellen Scalettar

FRANK, BERNSTEIN, CONAWAY &
GOLDMAN
1300 Mercantile Bank & Trust
Building
2 Hopkins Plaza
Baltimore, Maryland 21201
301-547-0500

Attorneys for defendant, Francis Prasek

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Supplemental Motion to Dismiss and accompanying Memorandum of Law was mailed, this 3rd day of December, 1979, to:

James E. Kenkel, Esquire
DePaul, Willoner and Kenkel
7100 Baltimore Avenue
College Park, Maryland 20740

Aubrey M. Daniel, Esquire
Douglas R. Marvin, Esquire
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Kramon & Graham
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Arnold & Beauchemin
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Washington, D.C. 20036

Robert D. Earp, Esquire
Schwartz & Earp
609 Laurel Street
El Paso, Texas 79903

Raymond M. Larizza, Esquire
Department of Justice
10th and Pennsylvania Avenues, N.W.
Washington, D.C. 20530

Lynne A. Battaglia, Esquire
United States Courthouse
101 West Lombard Street
Baltimore, Maryland 21201

Ellen Scalettar
Ellen Scalettar

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
ATTENTION: LEGAL COUNCIL DIVISION

FROM : SAC, BALTIMORE (62-2757) (Sq. 9) (P)

SUBJECT: ELSE M. SIEGLER Et Al;
MAJOR GENERAL C. J. LeVAN, Et Al;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION No. 78-1237
MISCELLANEOUS - CIVIL SUIT

DATE: 1/30/80

Re Baltimore letter to Bureau, 1/15/80.

Enclosed for Bureau is a copy of Judge Edward S. Northrop, Chief U. S. District Judge, Decision and Order.

On January 7, 1980, the Honorable Edward S. Northrop, Chief U. S. District Judge, for the District of Maryland, gave his decision in this case and ordered the suit dismissed and ordered the Government to file appropriate pleading within 30 days.

KJB

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Receipence made for Room 7338



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ENCLOSURE
ENCLOSURE ATTACHED

JAN
JMP

FEB 27 1980

U.S. Savings Bonds Regularly on the Payroll Savings Plan

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually

v.

C. J. LE VAN, Individually and as Major General, United States Army; DONALD B. GRIMES, Individually and as Colonel, United States Army; H. R. AARONS, Individually and as Major General, United States Army; NOEL JONES, Individually and as Chief, Special Operations Division, U. S. Army; CARLOS ZAPATA, Individually and as Chief Warrant Officer, United States Army; FRANCIS (JOE) PRASEK, Individually and as Special Agent, Federal Bureau of Investigation; LEWIS MARTEL, Individually and as Chief Warrant Officer, United States Army; JOHN SCHAFFSTALL, Individually and as Chief Warrant Officer, United States Army; DONNALL J. DRAKE, Individually and as Chief Warrant Officer, United States Army; ODELL L. KING, Individually and as Chief Warrant Officer, United States Army; PETER CONWAY, Individually and as Project Officer, U. S. Army Intelligence; CLIFFORD ALEXANDER, Secretary of the Army; PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE CENTRAL INTELLIGENCE AGENCY IN 1976; PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE FEDERAL BUREAU OF INVESTIGATION IN 1976; and PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE UNITED STATES ARMY IN 1976.

¹ CIVIL ACTION NO. N-78-1237

1
This suit was originally filed in the United States District Court for the Western District of Texas, El Paso Division on February 18, 1977 and was transferred to this Court on June 29, 1978.

(153) Filed: 7th of January, 1980

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually :
v. :
H. R. AARONS, Individually and as Major General, United States Army Deputy Director, Defense Intelligence Agency and DONALD B. GRIMES, Individually and as Colonel, United States Army and NOEL JONES, Individually and as Chief, Special Operations Division, U.S. Army Intelligence Agency and LEWIS MARTEL, Individually and as Chief Warrant Officer, United States Army and JOHN SCHAFFSTALL, Individually and as Chief Warrant Officer, United States Army and ODELL L. KING, Individually and as Chief Warrant Officer, United States Army and DONNALL J. DRAKE, Individually and as Chief Warrant Officer, United States Army and PETER CONWAY, Individually and as Project Officer, U.S. Army Intelligence and CARLOS ZAPATA, Individually and as Chief Warrant Officer, United States Army and PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE CENTRAL INTELLIGENCE AGENCY IN 1976 and PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE FEDERAL BUREAU OF INVESTIGATION IN 1976 and PARTY OR PARTIES UNKNOWN WHO ARE OR WHO WERE MEMBERS OF THE UNITED STATES ARMY IN 1976 : CIVIL ACTION NO. N-79-918

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually

v.

H. R. AARONS, Individually and as Major General, United States Army Deputy Director, Defense Intelligence Agency and DONALD B. GRIMES, Individually and as Colonel, United States Army and NOEL JONES, Individually and as Chief, Special Operations Division, U.S. Army Intelligence Agency and LEWIS MARTEL, Individually and as Chief Warrant Officer, United States Army and JOHN SCHAFFSTALL, Individually and as Chief Warrant Officer, United States Army and ODELL L. KING, Individually and as Chief Warrant Officer, United States Army and DONNALL J. DRAKE, Individually and as Chief Warrant Officer, United States Army and PETER CONWAY, Individually and as Project Officer, U.S. Army Intelligence and CARLOS ZAPATA, Individually and as Chief Warrant Officer, United States Army and PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE CENTRAL INTELLIGENCE AGENCY IN 1976 and PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE FEDERAL BUREAU OF INVESTIGATION IN 1976 and PARTY OR PARTIES UNKNOWN WHO ARE OR WHO WERE MEMBERS OF THE UNITED STATES ARMY IN 1976

CIVIL ACTION NO. N-79-918²

² This suit was originally filed in the Circuit Court for Anne Arundel County, Maryland on April 12, 1979 and was removed to this Court on May 14, 1979.

Filed: January 7, 1980.

James E. Kenkel and William C. Brennan, Jr., of College Park, Maryland, for the plaintiffs.

James M. Kramon, of Baltimore, Maryland, Aubrey M. Daniel and Douglas R. Marvin, of Washington, D.C., for defendant LeVan (in Civil No. N-78-1237).

Joseph A. Schwartz, III, of Baltimore, Maryland and James F. Neal and Aubrey B. Harwell, Jr., of Nashville, Tennessee, and David R. Boyd, of Washington, D. C. for defendants Grimes, Aaron, Jones, Martel, Schaffstall, Conway, Drake and King.

Richard R. Beauchemin of Baltimore, Maryland and Robert D. Earp of El Paso, Texas, for defendant Zapata.

Alan I. Baron and Ellen Scalettar of Baltimore, Maryland for defendant Prasek (in Civil No. N-78-1237).

Alice Daniel, Acting Assistant Attorney General, Barbara B. O'Malley, R. John Sibert and Raymond M. Larizza, Attorneys, United States Department of Justice, Washington, D. C. for defendant Alexander (in Civil No. N-78-1237).

Russell T. Baker, Jr., United States Attorney for the District of Maryland and Lynne A. Battaglia, Assistant United States Attorney, for defendant Alexander (in Civil No. N-78-1237).

Northrop, Chief Judge.

This litigation involves two actions for damages and injunctive relief arising out of the death of Ralph J. Sigler, an Army counterintelligence agent. Mr. Sigler died by electrocution on April 13, 1976, in a motel room located near Fort Meade, Maryland. The plaintiffs are his wife and daughter. The defendants are the Secretary of the Army, ten present or former officers of the United States Army, a Special Agent of the Federal Bureau of Investigation (FBI), and parties unknown who are or were members of the Central Intelligence Agency (CIA), the FBI, and the United States Army in 1976.³

These two actions were consolidated by this Court on September 20, 1979 for the purposes of pleadings, motions, and discovery; the Court reserved until a later time the decision of whether to consolidate these actions for all other purposes. The matter is presently before the Court on the defendants' motions to dismiss pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. The Court conducted a hearing on these motions on October 11, 1979. At that time, the Court requested supplemental briefs on certain issues; having received those briefs, the Court is prepared to render a decision.

I. BACKGROUND

For the purposes of a Rule 12(b) motion, this Court must accept as true the facts alleged in the plaintiffs' complaint, as well as all reasonable inferences that may be deduced from those allegations favorable to the plaintiff. Scheuer v. Rhodes, 416 U.S. 232, 236 (1974); Conley v. Gibson, 355 U.S. 41, 45-46 (1957).

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The defendants in both cases are the same except for Secretary Alexander, General LeVan, and Special Agent Prasek, who are defendants only in Civil Action No. N-78-1237.

From the late 1960's until his death on April 13, 1976, Mr. Sigler was a counterintelligence agent for the United States Army. His duties included the selling of information concerning United States Army radar and missile systems to intelligence agents of various foreign powers. Mr. Sigler's mission was twofold in nature. First, a portion of the information sold to these foreign powers was deliberately designed to mislead them as to the capability of the Army's radar and missile systems. Secondly, Mr. Sigler was to identify as many foreign intelligence operatives as possible to his superiors.

In 1974, Mr. Sigler was approaching thirty years of active duty with the Army (having enlisted in 1947) and was contemplating retirement. He began to assemble his papers, effects, and memorabilia with the apparent intention of writing a book, after he retired, on his intelligence career. The Army evidently learned of his intentions and in March 1976 ordered Mr. Sigler to San Francisco, California for a debriefing session where he was given a polygraph test. Subsequently, the Army ordered Mr. Sigler to report to Fort Meade, Maryland, the headquarters of the United States Army Intelligence Agency. Mr. Sigler arrived in the Fort Meade area on April 4, 1976.

For the next nine days, Army intelligence officers confined Mr. Sigler to two motel rooms in the Fort Meade area and "subjected Sigler to severe emotional distress by the use of extensive questioning, threats and intimidations." Plaintiffs' First Amended Complaint, Civil Action No. N-78-1237 at 17. Apparently this interrogation focused on Mr. Sigler's intention to write his memoirs and the nature and location of the materials he had collected to assist him in writing his book.

During this time, defendant Army Intelligence Officer Louis Martel pressured Mr. Sigler into acknowledging the existence and location of the memoirs material at the Sigler residence in El Paso, Texas. Defendant Martel then coerced Mr. Sigler into calling his wife, Ilse M. Sigler, at their home and instructing her to make certain of the memoirs material available to defendant Army Intelligence Officer John Schaffstall. On April 8, 1976, defendant Schaffstall appeared at the Sigler residence, was granted entrance by Mrs. Sigler, and procured the material in question. Defendant Schaffstall returned to Fort Meade the following day with the material. The interrogation of Mr. Sigler by the defendant counterintelligence agents continued and was of an "extreme and outrageous" nature. Amended Complaint, supra at 21. Certain papers and effects belonging to Mr. Sigler were allegedly taken from him during the interrogation.

On April 13, 1976, Mr. Sigler was found dead in a motel room in the Fort Meade area. Official investigations by the Army and the Maryland State Police concluded that Mr. Sigler had committed suicide by wrapping the ends of a stripped electrical lamp cord around his upper arms, plugging the cord into a wall socket, and flipping on the wall switch, which resulted in his death by electrocution. The plaintiffs contend that the defendants were responsible for Mr. Sigler's death by "either 1) causing a current of electricity to pass through his body or 2) placing him in an extreme position of danger by virtue of the continuous emotional strain to which he had been subjected and then failing to protect him" from electrocuting himself.

Amended Complaint, supra at 17-18.

The plaintiffs have asserted two categories of claims in this matter. The first category represents claims on

behalf of Mr. Sigler's estate for alleged injuries to Mr. Sigler and includes claims for (1) intentional infliction of emotional distress; (2) false imprisonment; (3) conversion; (4) gross negligence; (5) wrongful death; (6) violations of the First, Fourth, and Fifth Amendments to the United States Constitution; (7) assault and battery; and (8) replevin. The second category of claims represents alleged injuries to Mrs. Sigler and her daughter individually, and includes claims for (1) conversion; (2) replevin; and (3) violations of the Fourth and Fifth Amendments to the United States Constitution. The two cases consolidated here seek combined damages of over \$100 million against the defendants, in addition to injunctive relief against the Secretary of the Army in the form of an order requiring him to return to the plaintiffs the materials taken from the Sigler residence and from the Fort Meade motel room.

The Court will consider separately the motions to dismiss as they apply to the two categories of claims.

II. THE INJURIES TO RALPH J. SIGLER

A. The Feres Doctrine

All of the defendants, except Special Agent Francis (Joe) Prasek of the FBI and the unknown parties in the FBI and CIA, were members of the Army at the time of their alleged involvement in this case. These Army defendants contend that the claims against them for injuries to Ralph J. Sigler are barred by the Feres immunity doctrine.⁴ This Court agrees.

⁴ Defendant Alexander, Secretary of the Army, has not raised this defense in his motion to dismiss, choosing instead to rely on other defenses. It is evident to this Court, however, that the Feres doctrine also applies to defendant Alexander. Cf. Birdwell v. Schlesinger, 403 F. Supp. 710, 718 (D. Colo. 1975) (Feres shields Secretary of Defense and Secretary of the Air Force).

In Feres v. United States, 340 U.S. 135, 146 (1950), the Supreme Court held that the United States "is not liable under the Federal Tort Claims Act [FTCA] for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service." In referring to the three cases under consideration, the Court stated that "[t]he common fact underlying the three cases is that each claimant, while on active duty and not on furlough, sustained injury due to negligence of others in the armed forces." Id. at 138. Aside from its statutory analysis of the FTCA, the Supreme Court has given several policy justifications for this common law exception to the FTCA's waiver of sovereign immunity. First, the Court in Feres characterized the relationship between the Government and members of the Armed Forces as "distinctively federal in character." Id. at 143. The Court reasoned that it would therefore be irrational to have the Government's liability to a serviceman depend fortuitously on the state in which the serviceman happened to be stationed. Second, the Court noted that Congress had established other compensation systems that adequately compensated injured servicemen. Id. at 144. A third policy reason was developed in United States v. Brown, 348 U.S. 110, 112 (1954), where the Court found that military discipline would be adversely affected if a soldier were permitted to sue his superiors and second-guess decisions made in the military chain of command. The Feres doctrine was recently reaffirmed by the Supreme Court in Stencel Aero Engineering Corp. v. United States, 431 U.S. 666 (1977), a case involving a third party indemnity claim against the United States. See generally Note, From Feres to Stencel: Should Military Personnel Have Access to FTCA Recovery?, 77 Mich. L. Rev. 1099 (1979).

Although these Supreme Court cases dealt with suits against the United States under the FTCA, lower federal courts, utilizing the same underlying policy reasons, have extended the Feres doctrine to immunize military defendants in their individual capacities. E.g., Hass v. United States, 518 F.2d 1138 (4th Cir. 1975); Bailey v. DeQuevedo, 375 F.2d 72 (3d Cir. 1967); Levin v. United States, 403 F. Supp. 99 (D. Mass. 1975). The courts have further held that Feres bars wrongful death suits by a serviceman's family or estate against the United States where the death occurred incident to military service. E.g., DeFont v. United States, 453 F.2d 1239 (1st Cir. 1972); Van Sickel v. United States, 285 F.2d 87 (9th Cir. 1960). This holds true even when local law gives the heirs of the deceased or his personal representative an original and direct cause of action for the decedent's death. The rationale is that the in-service injury automatically triggers Feres. To permit such derivative or original action suits would emasculate the doctrine. Indeed, the Feres case dealt with two wrongful death suits by the heirs of the decedent servicemen.

There is no question that, as members of the military, the Army defendants may raise the Feres doctrine as a defense to this action. Defendant Prasek and the unknown defendants in the FBI and the CIA did not raise the Feres doctrine in their original motions to dismiss.⁵ It has become apparent to this Court, however, that Feres may also apply to defendant Prasek and the unknown defendants as nonmilitary, governmental employees.

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On December 4, 1979, this Court received defendant Prasek's supplemental motion to dismiss the complaint in Civil Action No. N-78-1237 on the grounds of the Feres doctrine.

The courts that have considered the question are apparently unanimous in their conclusion that Feres applies even when the tort-feasor is not a member of the military but is a nonmilitary, governmental employee. Uptegrove v. United States, 600 F.2d 1248, 1250-51 (9th Cir. 1979); Layne v. United States, 295 F.2d 433 (7th Cir. 1961), cert. denied, 368 U.S. 990 (1962); Jaffee v. United States, 468 F. Supp. 632, 634 (D.N.J. 1979); Watkins v. United States, 462 F. Supp. 980, 985 (S.D. Ga. 1977), aff'd per curiam, 587 F.2d 279 (5th Cir. 1979); Frazier v. United States, 372 F. Supp. 208 (M.D. Fla. 1973); Sheppard v. United States, 294 F. Supp. 7 (E.D. Pa. 1969). The common theme in these decisions is that the reference to the military status of the alleged tort-feasors in Feres was merely a statement of fact rather than a requirement of law. These courts interpret Feres to hold that where a member of the military has been injured incident to military service, he cannot recover damages against the United States or any governmental employee, civilian or military.

While the Supreme Court has not directly faced this issue, the Court in Stencel Aero Engineering Corp. v. United States, 431 U.S. 666, 669-70 (1977) indicated that Feres is not limited to situations where the tort-feasor is a member of the military; the Court used the term "Government officials" when referring to the alleged tort-feasors in Feres and Stencel. The Fourth Circuit Court of Appeals held that Feres can immunize civilian employees of the military. Hass v. United States, 518 F.2d 1138, 1141 (4th Cir. 1975). The court cited with seeming approval United States v. Lee, 400 F.2d 558 (9th Cir. 1968), cert. denied, 393 U.S. 1053 (1969). Lee held that Feres shields nonmilitary, governmental employees as well as civilian employees of the military. Under these circumstances and considering the weight of

authority, this Court is compelled to hold that defendant Prasek and the unknown defendants in the FBI and the CIA are entitled to invoke the Feres doctrine.

It is beyond dispute that Ralph J. Sigler was a member of the military at the time of his alleged injuries; that his alleged injuries were incurred incident to service; and that the individual defendants were members of the military or the Government at the time of their alleged involvement in this case. Plaintiffs' negligence claims against the defendants are barred by the Feres doctrine.

Yolken v. United States, 590 F.2d 1303 (4th Cir. 1979) (per curiam). The plaintiffs argue, however, that Feres does not apply to intentional constitutional violations in a noncombat setting. The plaintiffs fail to recognize the broad scope of Feres. While Feres dealt with negligence actions, "courts have also uniformly recognized that the Feres bar extends to both constitutional and intentional torts" in noncombat situations. Thornwell v. United States, 471 F. Supp. 344, 348 (D.D.C. 1979) (Richey, J.).

Thornwell involved a factual situation similar to the instant case. Plaintiff, an Army private, was allegedly imprisoned and brutally interrogated by Army officers investigating the theft of classified documents. Part of this interrogation allegedly involved the secret drugging of Mr. Thornwell with lysergic acid diethylamide (LSD), a psychedelic chemical, as part of "Operation Third Chance," a covert Army program in human drug experimentation. While recognizing the "unconscionable results" that application of the Feres doctrine will sometimes cause, the Thornwell court correctly recognized that "neither the language nor the rationale of the [Feres] decision indicates that the legal theory of a soldier's claim ought to be a salient factor in determining the scope of intra-military immunity."

471 F. Supp. at 349 & n.1.

Feres applies whenever a member of the military is injured incident to service by military or governmental personnel. It is this factual situation that triggers the Feres doctrine, rather than the legal theory underlying the plaintiff's claim or whether his injuries occurred in combat. See, e.g., Citizens National Bank of Waukegan v. United States, 594 F.2d 1154 (7th Cir. 1979) (Feres controls where Marine allegedly subjected to physical attacks by Marine correctional officers resulting in subsequent suicide); Nagy v. United States, 471 F. Supp. 383 (D.D.C. 1979) (Smith, J.) (Feres bars suit against the United States on constitutional grounds for damages to serviceman arising out of his participation in LSD experiments); Jaffee v. United States, 468 F. Supp. 632, 635 (D.N.J. 1979) (Feres forecloses liability for alleged intentional violations of constitutional rights of soldiers who assertedly were compelled to march into a nuclear explosion; Feres not limited to orders given in the heat of battle); accord, Woodside v. United States, 606 F.2d 134, 141 (6th Cir. 1979) ("incident to service" test); cf. Rotko v. Abrams, 338 F. Supp. 46 (D. Conn. 1971), aff'd per curiam, 455 F.2d 992 (2d Cir. 1972) (Feres applied when death arose out of combat in Vietnam).

As Judge Sirica observed in Misko v. United States, 453 F. Supp. 513, 515 (D.D.C. 1978), state tort claims are easily susceptible to restatement as constitutional claims. Accord, Calhoun v. United States, 475 F. Supp. 1, 4-5 (S.D. Calif. 1977), aff'd, ____ F.2d ____ (9th Cir. 1979). Judge Sirica held that the Feres immunity doctrine and its rationale apply equally to constitutional claims. Otherwise, Feres could be easily abrogated by artful pleading.

The plaintiffs here cite three cases to support their position; none is convincing. The court in Alvarez v. Wilson, 431 F. Supp. 136 (N.D. Ill. 1977) cites several cases that follow the Feres doctrine, but curiously, that court neither cites the Feres decision, nor does it discuss the doctrine. The decision therefore cannot be regarded as authoritative, particularly since it rejects a Fourth Circuit case, Hass v. United States, 518 F.2d 1138 (4th Cir. 1975), which this Court is obligated to follow. In Leighton v. Peters, 356 F. Supp. 900 (D. Haw. 1973), the court did not refer to the Feres doctrine; it instead relied on an official immunity theory to find the defendant immune. This Court fails to see the applicability of Leighton to this case. The court in Henderson v. Bluemink, 511 F.2d 399 (D.C. Cir. 1974), likewise proceeded on an official immunity basis and did not allude to Feres. Furthermore, there is no indication in the Henderson opinion whether the injured party was a civilian or a member of the military. These three cases fail to refute the application of Feres to intentional and constitutional claims.

The alleged incidents of brutality by the Army towards Mr. Sigler fall squarely within the scope of the aforementioned cases following Feres. Consequently, all of the plaintiffs' claims against the individual defendants, in their official and individual capacities, seeking damages for intentional, negligent, and constitutional injuries to Ralph J. Sigler are barred by the Feres doctrine and must be dismissed.

B. The State Secrets Privilege

The remaining claim asserted on behalf of Ralph J. Sigler is one for injunctive relief against defendant Alexander under the replevin claim in count ten of the

plaintiffs' first amended complaint in Civil Action N-78-1237.⁶ Plaintiffs allege that the papers and effects taken from the Sigler residence and from Mr. Sigler at the Fort Meade motel room are now in the possession of the Secretary of the Army, Clifford Alexander. The plaintiffs seek an order directing defendant Alexander to return these papers and effects to them.

Defendant Alexander has responded to this claim by filing a motion to dismiss based upon a claim of the state secrets privilege.⁷ In support of this motion, the Secretary has executed an open record affidavit asserting a formal claim of the privilege. In his affidavit, the Secretary explains why disclosure of these items would seriously jeopardize the national security of the United States:

The documents and effects listed in the attached inventory explain in great detail, day-by-day, many of the intelligence activities that Mr. Sigler undertook on behalf of the Army. . . . The record also relates the dealings that Mr. Sigler had with the intelligence services of foreign governments: the names of the people he met, the dates, locations, and purposes of the meetings, the substance of their dealings, the activities that Mr. Sigler undertook for them and the information he provided them, the ways in which he communicated with them, and, in general, nearly everything he knew or could glean about the foreign intelligence services.

. . . . The documents provide a wealth of information about U.S. counterintelligence activities. The information would be of great value to hostile intelligence services

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The monetary relief sought under count ten on behalf of Ralph J. Sigler against defendant Alexander and the other defendants is barred by the Feres doctrine as discussed supra in the text of this opinion.

7

This privilege is sometimes referred to as the military and state secrets privilege. For the sake of simplicity, this Court will refer to it as the state secrets privilege.

since it would facilitate their efforts in identifying and frustrating U.S. intelligence operations. It would show them how the Army identifies, recruits, communicates with, meets with, and uses its intelligence sources. It would reveal much about the organization and activities of the U.S. intelligence agencies and provide an excellent case study of the U.S. intelligence community in question. . . . All of this information would better enable hostile intelligence services to identify our current intelligence operations and to adopt countermeasures that would seriously degrade the national intelligence program.

Affidavit and Claim of Privilege of the Secretary of the Army
at 11 4-6. The Secretary requests that none of these items become the subject of litigation in these cases, made a part of the public record herein, or otherwise be disclosed.

Along with the open record affidavit, the Secretary has submitted a classified affidavit for in camera examination by the Court. This in camera affidavit describes in greater detail the substance of the material being withheld by the Secretary and the harm to our nation's security that would result should this information become public. At the end of the hearing on the defendants' motions to dismiss, this Court examined the in camera affidavit in chambers.

A state secret is a governmental secret relating to the national defense or the international relations of the United States. Once it is established that a state secret exists, the Government has a privilege to refuse to disclose the secret in civil litigation and to prevent any litigant from disclosing the secret. See generally McCormick, Evidence §§ 107 & 110 (Cleary ed. 1972); 2 Weinstein & Burger, Weinstein's Evidence 509[1]-509[4] (1979); 8 Wigmore, Evidence § 2378, at 794-96 (McNaughton rev. 1961); 8 Wright & Miller, Federal Practice and Procedure § 2019, at 158-60 (1970).

The privilege against disclosure of state secrets in civil litigation was upheld by the Supreme Court in

United States v. Reynolds, 345 U.S. 1 (1953). In that case, several civilian observers were killed in the crash of an Air Force aircraft that was being used to test secret electronic equipment. Their widows brought suit under the FTCA and sought to discover the Air Force's accident investigation report and the statements of the surviving crew members taken during the official investigation. The Air Force filed a claim of privilege, asserting that these matters involved state secrets. The Supreme Court held that where a court is satisfied "from all the circumstances of the case, that there is a reasonable danger that compulsion of the evidence will expose military matters which, in the interest of national security, should not be divulged," then the material would be absolutely privileged. Id. at 10.

The United States Court of Appeals for the District of Columbia recently reaffirmed this narrow standard of review in Halkin v. Helms, 598 F.2d 1 (D.C. Cir. 1978). The plaintiffs in that case alleged that the National Security Agency (NSA) conducted warrantless interceptions of their international wire, cable, and telephone communications. The governmental defendants filed a motion to dismiss the complaint on the basis that the mere disclosure of whether the plaintiffs' international communications were acquired by the NSA would violate the state secrets privilege. The court of appeals agreed and held that the entire case had to be dismissed "because the ultimate issue in the case, the fact of acquisition, could neither be admitted nor denied." Id. at 5. Cf. Jabara v. Kelley, 75 F.R.D. 475 (E.D. Mich. 1977); Kinoy v. Mitchell, 67 F.R.D. 1 (S.D.N.Y. 1975) (discovery motions); Republic of China v. National Union Fire Insurance Co., 142 F. Supp. 551 (D. Md. 1956) (Thomsen, C.J.) (motion to dismiss).

The Halkin court emphasized that the "[c]ourts should accord the 'utmost deference' to executive assertions of privilege upon grounds of military or diplomatic secrets." 598 F.2d at 9. Despite the devastating effect that the state secrets privilege had on the plaintiffs' case, i.e. dismissal, the court of appeals recognized that our national security takes priority over a litigant's interest in redressing alleged injuries. Once established, the state secrets privilege is absolute.

Plaintiffs' counsel have requested that they be permitted to participate in the in camera review of the Secretary's affidavit. They argue that a protective order barring disclosure of the materials would adequately preserve confidentiality. The Court must deny their request.

"Protective orders cannot prevent inadvertent disclosure nor reduce the damage to the security of the nation which may result." Halkin, supra at 7. As the court in Jabara v. Kelley, 75 F.R.D. 475, 486-87 (E.D. Mich. 1977) pointed out, the determination of whether the state secrets privilege applies is a question for the courts to determine without revealing the contents of the allegedly privileged material. In denying similar requests, both the Halkin and Jabara courts relied on the following passage from Heine v. Raus, 399 F.2d 785, 791 (4th Cir. 1968):

Disclosures in camera are inconsistent with the normal rights of a plaintiff of inquiry and cross-examination, of course, but if the two interests cannot be reconciled, the interest of the individual litigant must give way to the government's privilege against disclosure of its secrets of state.

This Court believes that the potential risks of inadvertent disclosure and ensuing damage to our national security outweigh the benefits to be gained if plaintiffs' counsel are permitted to examine the secret materials and contest the applicability of the state secrets privilege.

After carefully examining the Secretary's in camera affidavit, this Court is absolutely convinced that disclosure of the items plaintiffs wish returned would reveal sensitive governmental secrets related to the national defense and the international relations of the United States. Disclosure of these materials would unquestionably damage our national security. This Court therefore finds that the Government has met its burden in proving that the materials in question are protected from disclosure by the state secrets privilege. Accordingly, the injunctive relief claim asserted in count ten of the first amended complaint in Civil Action No. N-78-1237 in behalf of Ralph J. Sigler and in behalf of the plaintiffs, individually, must be dismissed.

II. THE INJURIES TO ILSE M. SIGLER AND KARIN (SIGLER) MEARS

Mrs. Sigler and her daughter have asserted on their own behalf claims of conversion, replevin,⁸ and violations of their fourth and fifth amendment rights. These claims arise out of what they characterize as the unlawful search of their home by defendant Schaffstall and seizure by him of the papers and effects belonging to Mr. Sigler. Their claims are also premised on the materials allegedly taken from Mr. Sigler at one of the rooms. Mrs. Sigler and her daughter have asserted a possessory interest in the seized materials, contending they are entitled to the materials under Mr. Sigler's will. They allege that Mrs. Sigler's consent for defendant Schaffstall to enter the Sigler residence and take the materials was involuntarily and fraudulently obtained through the defendants' coercion of Mr. Sigler into calling Mrs. Sigler and convincing her to allow defendant Schaffstall to enter the Sigler residence

and remove Mr. Sigler's papers and effects.

A. Sovereign Immunity

Although the United States is not a defendant in this matter, the complaints in both actions seek damages against the defendants in both their official and individual capacities. The Government, through defendant Alexander, has moved to dismiss the plaintiffs' claims insofar as they seek to establish the liability of the United States for damages. The Government bases its motion on the doctrine of sovereign immunity.

The Supreme Court has held that an action against an officer of the United States is, in fact, a suit against the sovereign if "the judgment sought would expend itself on the public treasury or domain." Dugan v. Rank, 372 U.S. 609, 620 (1963); Land v. Dollar, 330 U.S. 731, 738 (1947). The doctrine of sovereign immunity bars actions against the United States for monetary damages except for cases where it consents to be sued. United States v. Sherwood, 312 U.S. 584, 586 (1941). The plaintiffs have cited no statute authorizing a judgment against the United States for monetary damages in an action brought nominally against its officers. Cases sounding in tort may generally be brought against the United States only under the provisions of the FTCA; the plaintiffs have not brought such a suit. The plaintiffs essentially conceded the above at oral argument. Therefore, insofar as the plaintiffs' claims seek to establish the liability of the United States for damages, their claims are barred by the doctrine of sovereign immunity.

B. The Unknown Defendants

The Government has moved to dismiss the claims against the unknown defendants who are or were members of the Army, the CIA, and the FBI in 1976. These unknown

defendants are mentioned only in the captions of the complaints. Nowhere in the body of the complaints are there any descriptions of these unknown defendants or any allegations of the wrongdoing in which these parties engaged.⁹ Under these circumstances, the Court fails to see what legitimate purpose is served by allowing an action for monetary damages against unknown parties to proceed. Craig v. United States, 413 F.2d 854, 856-57 (9th Cir.), cert. denied, 396 U.S. 987 (1969); Reaves v. Sieloff, 382 F. Supp. 472, 475-76 (D. Pa. 1974). Cf. Boyd v. Gullett, 64 F.R.D. 169, 173 (D. Md. 1974) (injunctive relief sought against John Doe defendants).

The plaintiffs have cited no authority to the contrary; they merely urged at oral argument that an appropriate remedy for this deficiency could be fashioned at the end of the case after the liability of all the defendants is determined. The Court sees no reason for delaying the inevitable. The complaints must be dismissed as to the unnamed members of the Army, the CIA, and the FBI.

C. Special Agent Prasek

Special Agent Prasek of the FBI has filed a motion to dismiss the complaint against him in Civil Action No. N-78-1237 for failure to state a claim.¹⁰ Defendant

9

This case is distinguishable from Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). In Bivens, the plaintiff's complaint explicitly set out the alleged wrongdoing by federal agents. This enabled the district court to order service to be made upon those federal agents shown by the records of the U.S. Attorney to have participated in the allegedly illegal raid. Id. at 389-90 n.2. Such particularity in the complaint is obviously lacking here.

10

The plaintiffs did not respond in writing to defendant Prasek's motion to dismiss. At oral argument, they did not cite authority to the contrary; they merely relied on the allegations as set forth in the complaint described infra in the text of this opinion.

Prasek contends that the plaintiffs have failed to allege sufficient facts against him to constitute a claim. This Court agrees.

The Court is aware of the Supreme Court's admonition in Conley v. Gibson, 355 U.S. 41, 45 (1957) "that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Nevertheless, a complaint must "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." Id. at 48 (emphasis added). The plaintiffs' complaint fails to comply with this mandate.

The plaintiffs have alleged that defendant Prasek was part of a conspiracy against the decedent to deprive him of his constitutional and state law rights. A complaint alleging a conspiracy must do more than state mere legal conclusions regarding the existence of the conspiracy. Specific factual allegations connecting the defendant to the injury are essential to state a cause of action; otherwise, the complaint is subject to dismissal. Sparks v. Duval Country Ranch Co., 604 F.2d 976, 978 (5th Cir. 1979) (dictum); Ostrer v. Aronwald, 567 F.2d 551 (2d Cir. 1977); Kadar Corp. v. Milbury, 549 F.2d 230 (1st Cir. 1977); Rotolo v. Borough of Charleroi, 532 F.2d 920 (3d Cir. 1976); Greene v. Johns Hopkins University, 469 F. Supp. 187, 198 (D. Md. 1979); Wetherington v. Phillips, 380 F. Supp. 426 (E.D.N.C. 1974), aff'd mem., 526 F.2d 591 (4th Cir. 1975). Judge (now Justice) Stevens perhaps summed it up best in Cohen v. Illinois Institute of Technology, 524 F.2d 818, 827 (7th Cir. 1975), cert. denied, 425 U.S. 943 (1976):

We agree that plaintiff is entitled to the fullest opportunity to adduce evidence

in support of her claim. But she is not entitled to a trial, or even to discovery, merely to find out whether or not there may be a factual basis for a claim which she has not made.

In regard to defendant Prasek, the plaintiffs have alleged a theory without facts.

In the plaintiffs' twenty-eight page amended complaint, there are three factual references to defendant Prasek's so-called involvement in this affair. The first reference is on page five of the complaint, in the list of parties, where it is stated that he

had responsibility for coordinating Ralph J. Sigler's intelligence activities at all times relevant herein. Defendant Prasek, along with Defendants Schaffstall and Zapata, was a case officer of Ralph J. Sigler at the time of his death. The actions of Defendant Prasek described herein were taken in both his individual and official capacities. The actions regarding matters described herein were reviewed by his superiors.

The second reference is in paragraph thirteen of the amended complaint. The plaintiffs refer to a letter written by Mr. Sigler to his wife on April 10, 1976. In that letter, Mr. Sigler told his wife, "Should anything happen to me, suicide, death or accident sue the U.S. Army for being the cause." The letter specifically directed Mrs. Sigler to sue defendants LeVan, ¹¹ Aarons, Grimes, Jones, Schaffstall, Zapata, and Prasek.

11 Plaintiffs, in their amended complaint in Civil Action No. N-78-1237 at paragraph thirteen, allege that in this letter Mr. Sigler "described the mental and physical danger in which he was placed." A review of the letter, part of the record in this case, shows this characterization to be an exaggeration of the letter's contents. The letter reads in full as follows:

10 April 76

Dear Ilse:

Should anything happen to me, suicide, death, or accident sue the U S Army for being the cause, naming specifically the

The third reference surfaces at paragraph twenty of the amended complaint, where the plaintiffs state, "On April 17, 1976 [four days after Mr. Sigler's demise] Defendant Schaffstall travelled to El Paso and communicated with Defendants Zapata and Prasek."

The first reference obviously does not state a claim against defendant Prasek; it merely describes his professional relationship with the decedent. The third reference also does not allege any wrongful act by defendant Prasek. It simply refers to a communication, the nature of which is completely unspecified. As Mr. Sigler's case officer, one might expect defendant Prasek to be engaged in communications with others associated with Mr. Sigler after Mr. Sigler's demise.

The only factual allegation in the entire complaint that comes close to stating a claim against defendant

11 (continued)

following as defendant.

Maj.	Gen.	C.J.	Le Van
Maj	Gen		Aarons
	Col.		Grimes
	Maj.		Noel Jones
	CW 4		John Schaffstall
	CW 4		Carlos Zapata
	Special Agent		Francis Pracek (FBI)

in addition request all papers picked up by John Schaffstall on 9 April 76 be returned to you immediately.

Love,

Ralph

OVER

P.S. get a reputable lawyer. Your boss should be able to recommend a good one.

R.

PPS If nothing happens and I return give this back to me.

R.

Prasek is the plaintiffs' reference to the letter Mr. Sigler wrote to his wife three days before he died. In essence, Mr. Sigler said that should anything happen to him Mrs. Sigler should sue defendant Prasek and other named individuals. The letter gives no reasons for this direction to Mrs. Sigler, nor does it give any facts upon which a claim could be based. To accept this letter as stating a claim would compel this Court to engage in sheer speculation. Putting aside any possible hearsay problems, the letter simply provides too flimsy a thread to link defendant Prasek to the allegedly unlawful search of the Sigler residence and seizure of Mr. Sigler's memoirs material. Facts are conspicuously absent in the claims against defendant Prasek. Plaintiffs are not entitled to discovery merely to find out whether there may be a factual basis for a claim that they have not made. Cohen, supra at 827.

Although this Court will grant defendant Prasek's motion to dismiss, it believes that the plaintiffs should be given one more opportunity¹² to amend their complaint to cure the lack of specific factual allegations against defendant Prasek, if indeed this defect can be corrected. Accordingly, defendant Prasek's motion to dismiss for failure to state a claim is granted without prejudice to the plaintiffs to file a second amended complaint, in compliance with the aforementioned rules of pleading, within thirty days of the filing of this opinion.¹³

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The Court notes that it has already permitted the plaintiffs to file a first amended complaint on April 2, 1979.

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Because of the Court's disposition of defendant Prasek's motion to dismiss, it need not address his other grounds for the motion. Defendant Prasek is, of course, free to raise these grounds at a later time, if deemed appropriate.

D. The Feres Doctrine

The Army defendants seek to extend the Feres doctrine to bar the individual claims of Mrs. Sigler and her daughter for conversion, replevin, and constitutional injuries. The defendants' position is that the alleged injuries to Mr. Sigler and the alleged injuries to his wife and daughter are so closely interrelated that they should be considered identical and hence barred by Feres. Specifically, the defendants argue that the question of Mr. Sigler's voluntary consent vel non (upon which Mrs. Sigler's consent turns) for defendant Schaffstall to "search" the Sigler residence and take Mr. Sigler's papers and effects hinges on an examination of what transpired between Mr. Sigler and various of the Army defendants. The defendants contend that examining these matters and questioning decisions made in the military chain of command is what the Feres case was designed to prevent. This Court disagrees.

As this Court stated earlier, Feres applies only when military personnel are injured incident to service by governmental or other military personnel. Mrs. Sigler and her daughter are civilians. The Feres doctrine simply does not apply when a civilian relative of a serviceman has been injured by actions of military personnel.

Hall v. United States, 314 F. Supp. 1135, 1136 n.2 (N.D. Calif. 1970); Grigalauskas v. United States, 103 F. Supp. 543, 548-50 (D. Mass. 1951), aff'd, 195 F.2d 494 (1st Cir. 1952); Herring v. United States, 98 F. Supp. 69 (D. Colo. 1951) (medical malpractice cases). It would be manifestly unjust to allow the military to use the Feres doctrine to shield itself from liability when it injures a civilian. Civilian relatives of military personnel are not stripped of their constitutional and

state law rights merely because of their relationships with servicemen.

Moreover, the fact that discharged military personnel are not barred by Feres from recovering damages against the military for post-discharge injuries, United States v. Brown, 348 U.S. 110 (1954); Thornwell v. United States, 471 F. Supp. 344, 349-53 (D.D.C. 1979), demonstrates that Feres is limited to actions for injuries to active duty servicemen sustained incident to service. Even though such post-discharge suits inevitably involve the examination of military matters and the questioning of decisions made in the chain of command, this does not invoke the Feres doctrine. See also Dilley v. Alexander, 603 F.2d 914, 919-20 (D.C. Cir. 1979); Note, From Feres to Stencel: Should Military Personnel Have Access to FTCA Recovery?, 77 Mich. L. Rev. 1099, 1109-18 (1979). While the alleged injuries to Mrs. Sigler and her daughter arose out of the same factual scenario as the alleged injuries to Mr. Sigler, their injuries are distinct. Feres does not apply to their claims.

E. The State Secrets Privilege

The defendants strenuously argue that the claims of Mrs. Sigler and her daughter are precluded from consideration "because their litigation cannot proceed without inquiry into areas sheltered by the Government's assertion of the state secrets privilege." Supplemental Memorandum In Support Of Motions To Dismiss Of Defendants Aaron, Grimes, Jones, Martel, Schaffstall, Drake, Conway, And King at 8. Grounds for this argument are essentially twofold. First, defendants submit that the question of Mr. Sigler's consent to allow the defendants to retrieve his memoirs material cannot be resolved without revealing the contents of the classified material. Secondly,

defendants assert that the question of Mr. Sigler's consent would inevitably expose details of Mr. Sigler's relationship with the defendant intelligence officers. This relationship, defendants contend, involves classified information and is protected by the state secrets privilege.

In Totten v. United States, 92 U.S. 105 (1875), the Supreme Court affirmed the dismissal of an action on the ground that the suit could not be litigated without revealing governmental secrets. Totten involved a suit for breach of a contract between the plaintiff and President Abraham Lincoln under which the plaintiff contracted to engage in intelligence gathering operations against the Confederacy during the Civil War. The Court held that public policy forbade the maintenance of plaintiff's suit:

The secrecy which such contracts impose precludes any action for their enforcement. The publicity produced by an action would itself be a breach of a contract of that kind, and thus defeat a recovery.

It may be stated, as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law regards as confidential, and respecting which it will not allow the confidence to be violated. On this principle, suits cannot be maintained which would require a disclosure of the confidences of the confessional, or those between husband and wife, or of communication by a client to his counsel for professional advice, or of a patient to his physician for a similar purpose. Much greater reason exists for the application of the principle to cases of contract for secret services with the Government, as the existence of a contract of that kind is itself a fact not to be disclosed.

Id. at 107 (emphasis added). Accord, Halkin v. Helms, 598 F.2d 1 (D.C. Cir. 1978); Tucker v. U.S., 118 F. Supp. 371 (Ct. Cl. 1954) (per curiam); Farnsworth Cannon, Inc. v. Grimes, No. 79-16-A (E.D. Va. March 2, 1979), appeal docketed,

No. 79-1260 (4th Cir. May 1, 1979). Commenting on the Totten case in United States v. Reynolds, 345 U.S. 1, 11 n.26 (1953), the Supreme Court noted that "[t]he action was dismissed on the pleadings without ever reaching the question of evidence, since it was so obvious that the action should never prevail over the privilege."

At this stage of the proceedings, the Court is not convinced that litigation of the claims of Mrs. Sigler and her daughter would "inevitably" lead to disclosure of the contents of the secret materials. Cf. Jabara v. Kelley, 476 F. Supp. 561, 578 (E.D. Mich. 1979) ("[R]esort need not be made to privileged material to establish a violation of the plaintiff's constitutional rights.") The Government and the defendants have merely given conclusions on this point rather than explanations. It seems to this Court that if the parties stipulate that the classified materials are top secret and should not be divulged, then their contents need not be revealed prior to, or at trial.¹⁴ The Court fails to see how any of the defendants' possible good faith defenses would be eliminated. To rely on these defenses, the defendants would only have to establish the classified nature of the materials (which could be stipulated); there would be no need to reveal their contents. In so ruling, this Court does not foreclose the possibility that at some subsequent point in these proceedings it might become obvious that further litigation of the plaintiffs' claims would inevitably lead to disclosure of the contents of the secret materials. If such an event occurs, the Court will entertain an appropriate motion from counsel

At the hearing on the motions to dismiss, plaintiffs' sel indicated their willingness to so stipulate.

for the defendants.

Defendants' second ground, that the question of Mr. Sigler's consent would inevitably expose Mr. Sigler's relationship and communications with the defendant intelligence officers, presents a much closer question. The defendants claim that Mr. Sigler's relationship with the defendant intelligence officers involves classified information and is protected by the state secrets privilege. This Court believes that the question of Mr. Sigler's consent will likely mandate the exposure of his relationship and contacts with the defendant intelligence officers, in particular the ones who allegedly interrogated him and procured his "consent." These matters might well be protected by the state secrets privilege as it is probable that intelligence activities are involved.

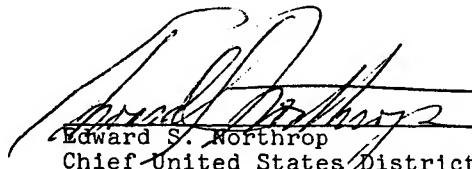
The Government, however, has not made a formal claim of the state secrets privilege insofar as Mr. Sigler's contacts with the defendant intelligence officers are concerned. The formal claim of the state secrets privilege by Secretary Alexander relates only to the classified materials seized by the defendants; it does not extend to Mr. Sigler's professional contacts. The state secrets privilege must be invoked by the head of the department or agency responsible for the defendant intelligence officers after actual personal consideration of the matter by that individual. United States v. Reynolds, 345 U.S. 1, 7-8 (1953); Kinoy v. Mitchell, 67 F.R.D. 1, 8-10 (S.D.N.Y. 1975). Should the Government assert a formal claim of privilege over Mr. Sigler's relationship and contacts with the defendant intelligence officers during the period in which he allegedly consented to the search of his residence, this Court requests that the Government ensure "that the Court possesses the requisite supporting

material to enable it to make an informed judgment upon the merits of the claim of privilege." Kinoy, supra at 10. The Government has thirty days to submit a formal claim of the state secrets privilege over this matter to this Court, along with the requisite supporting material.

F. Other Defenses

The defendants have raised myriad other defenses to the claims asserted by Mrs. Sigler and her daughter. The plaintiffs' claims depend on the validity vel non of Mr. Sigler's consent. If the state secrets privilege forecloses investigation into the voluntariness of Mr. Sigler's consent, then the plaintiffs' state law and constitutional claims are barred.¹⁵ This Court will therefore defer ruling on these other defenses until the Government has had an opportunity to assert a further claim of the state secrets privilege.

A separate order will be entered in conformance with this opinion.



Edward S. Northrop
Chief United States District Judge

Dated:

7 January 1980

15 The alleged acts of coercion took place at one of the Fort Meade motel rooms by certain of the defendant Army intelligence officers. If inquiry into this coercion is foreclosed, the claims against the other defendants who were not present at the time of the alleged coercion must be dismissed since the events that transpired in the motel room are crucial to the plaintiffs' claims.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually

v.

C. J. LE VAN, Individually and as Major General, United States Army; DONALD B. GRIMES, Individually and as Colonel, United States Army; H. R. AARONS, Individually and as Major General, United States Army; NOEL JONES, Individually and as Chief, Special Operations Division, U. S. Army; CARLOS ZAPATA, Individually and as Chief Warrant Officer, United States Army; FRANCIS (JOE) PRASEK, Individually and as Special Agent, Federal Bureau of Investigation; LEWIS MARTEL, Individually and as Chief Warrant Officer, United States Army; JOHN SCHAFFSTALL, Individually and as Chief Warrant Officer, United States Army; DONNALL J. DRAKE, Individually and as Chief Warrant Officer, United States Army; ODELL L. KING, Individually and as Chief Warrant Officer, United States Army; PETER CONWAY, Individually and as Project Officer, U. S. Army Intelligence; CLIFFORD ALEXANDER, Secretary of the Army; PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE CENTRAL INTELLIGENCE AGENCY IN 1976; PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE FEDERAL BUREAU OF INVESTIGATION IN 1976; and PARTY OR PARTIES UNKNOWN WHO ARE OR WERE MEMBERS OF THE UNITED STATES ARMY IN 1976.

CIVIL ACTION NO. N-78-1237

ORDER

In accordance with the aforesgoing opinion, IT IS,
this 7th day of January, 1980, ORDERED that:

1) Defendants' motions to dismiss the claims for damages against defendants Clifford Alexander, C.J. LeVan, Harold R. Aaron (plaintiffs refer to "Aarons"; the record indicates his true name to be "Aaron"), Donald B. Grimes, Noel E. Jones, Louis R. Martel, John Schaffstall, Odell L. King, Donnall J. Drake, Peter Conway, Carlos Zapata, Francis (Joe) Prasek, and parties unknown who are or were members of the United States Army, the Central Intelligence Agency, or the Federal Bureau of Investigation in 1976, in both their official and individual capacities, for injuries to Ralph J. Sigler BE, and the same hereby ARE, GRANTED.

2) Defendant Alexander's motion to dismiss the claim for injunctive relief in count ten (replevin) of the amended complaint in Civil Action No. N-78-1237 BE, and the same hereby IS, GRANTED.

3) Defendant Alexander's motion to dismiss the claims insofar as the claims seek to establish the liability of the United States for damages BE, and the same hereby IS, GRANTED.

4) Defendant Alexander's motion to dismiss the claims against the unknown parties who are or were members of the United States Army, the Central Intelligence Agency, or the Federal Bureau of Investigation in 1976 BE, and the same hereby IS, GRANTED.

5) Defendant Prasek's motion to dismiss the claims against him for failure to state a claim BE, and the same hereby IS, GRANTED, without prejudice, however, to the plaintiffs to file an amended complaint within thirty days from the date of this order, in accordance with the rules

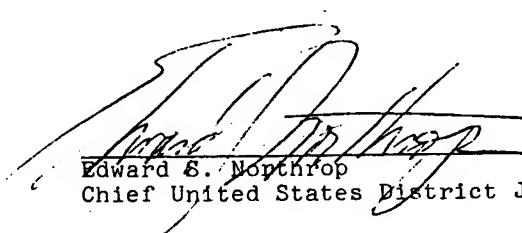
of pleading set forth in the foregoing opinion.

6) Defendants' motions to dismiss the personal claims of the plaintiffs, Ilse M. Sigler and Karin (Sigler) Mears, on the basis of the Feres doctrine BE, and the same hereby ARE, DENIED.

7) If the Government wishes to invoke the state secrets privilege over the matter of Ralph J. Sigler's relationship and contacts with the defendant intelligence officers, the Government is hereby directed to file with this Court, within thirty days of this date, an appropriate formal claim of the state secrets privilege, along with the requisite supporting material.

8) Defendants' motions to dismiss the personal claims of the plaintiffs, Ilse M. Sigler and Karin (Sigler) Mears, based on other defenses raised in the pleadings will be considered by this Court, if necessary, after the Government has submitted the aforementioned formal claim of privilege or after thirty days have elapsed from the issuance of this order.

9) The Clerk shall mail copies of the foregoing opinion and this order to all counsel of record for the parties in these cases.



Edward S. Northrop
Chief United States District Judge

UNITED STATES

Memorandum

TO : DIRECTOR, FBI
Attn: Legal Counsel Division

FROM : ~~SPAC~~, BALTIMORE (62-2757) (SQ. 9) (P)

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

DATE: 2/19/80

Re Baltimore letter to Bureau dated 1/30/80.

Enclosed herewith is an updated copy of docket sheet showing recent docket entries in captioned case, as obtained on 2/17/80.

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② - Bureau (Enc. 1)
2 - Baltimore
HJR:ald
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ENCLOSURE

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FBI - BALTIMORE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-3-7-78

PLAINTIFF ILSE M. SIGLER, etc., et al	DEFENDANT C. J. LE VAN, etc., et al	DOCKET NO. <u>N-78-1237</u> PAGE <u> </u> OF <u> </u> PAGES
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PROCEEDINGS

DATE 1980	NR.	PROCEEDINGS
Jan. 7	154	Order (Northrop, CJ) "GRANTING" in part and "DENYING" in part Motions of Defendants to Dismiss as therein more particularly set forth. (c/m 1/7/80- cah
Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, CLIFFORD ALEXANDER, to serve his Response to paragraph seven of the Order entered in this action of January 7, 1980, until February 15, 1980. (C/M 2/13/80 C1k)

ENCLOSURE

462-117526-52

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-117536)
(ATTENTION: Legal Council Division)

FROM : SAC, BALTIMORE (62-2757) (SQ.9) (P)

SUBJECT: ILSE M. SIEGLER, et al;
Major General C. J. LeVan, et al;
U.S. District Court
District of Maryland
Civil Action No. 78-1237
Miscellaneous - Civil Suit

DATE: 3/27/80

ILSE M. SIEGLER

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Re: Baltimore letter to Bureau, dated 2/19/80.

Enclosed for Bureau is a copy of court docket
and orders of Judge Edward S. Northrop, Chief, U. S.
District Judge, dated 3/12/80.

On 3/12/80, the Honorable Edward S. Northrop,
Chief, U.S. District Judge for the District of Maryland,
gave the following orders, 161 - "Granting" in part and
"Denying" in part, motions of defendants to dismiss as to
plaintiff's claims as to violations of fourth and fifth
amendment violations as set forth; and "Denying" motions
of defendant. Drake to dismiss complaint in Civil Action
No. 78-1237; 162 - "Granting" motion of defendant Clifford
Alexander for Protective Order that any future discovery
shall be limited to interrogatories and requests for production
of documents.

V-48 DE-24

62-117536-52X

2 - Bureau
2 - Baltimore
HJR:bjc
(3)

ENCLOSURE

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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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FBI



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al.,)
Plaintiffs,)
v.) Civil Action No. N-78-1237
C.J. LEVAN, et al.,)
Defendants.)

ORDER

AND NOW, this 11 day of March, 1980,
upon consideration of the foregoing Defendant Clifford
Alexander's Motion for Protective Order, and the Court being
fully advised in this matter, it is hereby ORDERED that until
further order of the Court, any future discovery which may be
taken in the above-captioned action shall be limited to
interrogatories under Rule 33 of the Federal Rules of Civil
Procedure and requests for production of documents under
Rule 34 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT JUDGE

(162) FILED : 12 MARCH, 1980

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually :
v. :
C. J. LE VAN, Individually and as Major General, United States Army; DONALD B. GRIMES, Individually and as Colonel, United States Army; H. R. AARONS, Individually and as Major General, United States Army; NOEL JONES, Individually and as Chief, Special Operations Division, U. S. Army; CARLOS ZAPATA, Individually and as Chief Warrant Officer, United States Army; LEWIS MARTEL, Individually and as Chief Warrant Officer, United States Army; JOHN SCHAFFSTALL, Individually and as Chief Warrant Officer, United States Army; DONNALL J. DRAKE, Individually and as Chief Warrant Officer, United States Army; ODELL L. KING, Individually and as Chief Warrant Officer, United States Army; PETER CONWAY, Individually and as Project Officer, U. S. Army Intelligence; CLIFFORD ALEXANDER, Secretary of the Army. : CIVIL ACTION NO. N-78-1237

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually :
v. :
H. R. AARONS, Individually and as Major General, United States Army Deputy Director, Defense Intelligence Agency and DONALD B. GRIMES, Individually and as Colonel, United States Army and NOEL JONES, Individually and as Chief, : CIVIL ACTION NO. N-79-918

Special Operations Division, :
U.S. Army Intelligence Agency and LEWIS MARTEL, Individually :
and as Chief Warrant Officer, United States Army and JOHN SCHAFFSTALL, Individually and as Chief Warrant Officer, United States Army and ODELL L. KING, Individually and as Chief Warrant Officer, United States Army and DONNALL J. DRAKE, Individually and as Chief Warrant Officer, United States Army and PETER CONWAY, Individually and as Project Officer, U. S. Army Intelligence and CARLOS ZAPATA, Individually and as Chief Warrant Officer, United States Army. :

ORDER

In accordance with the aforesgoing opinion entered this date, IT IS, this ^{17th} / 2 day of March, 1980, ORDERED that:

1. Defendants' motions to dismiss the personal claims of the plaintiffs for conversion, replevin, and fourth and fifth amendment violations against defendants Clifford Alexander, C. J. LeVan, Harold R. Aaron, and Carlos Zapata for failure to state a claim against them BE, and the same hereby ARE, GRANTED, without prejudice, however, to the plaintiffs to file amended complaints within thirty days from the date of this order, in accordance with the guidelines in the Court's opinion of January 7, 1980;

2. Defendants' motions to dismiss the personal claims of the plaintiffs, in regard to the classified materials — for conversion, replevin, violation of the fourth amendment's proscription against unreasonable seizures, and violation of the fifth amendment — as against defendants Donald B. Grimes, Noel E. Jones, Lewis R. Martel,

(161) FILED: 12 March, 1980

John Schaffstall, Odell L. King. Donnall J. Drake, and Peter Conway BE, and the same hereby ARE, GRANTED;

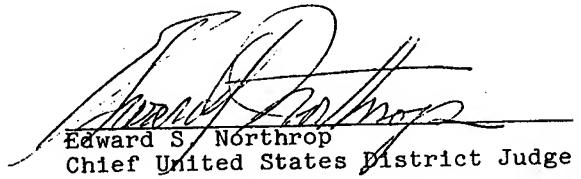
3. Defendants' motions to dismiss the personal claims of the plaintiffs, in regard to the non-classified materials, for conversion, replevin, and violations of the fourth and fifth amendments against defendants Donald B. Grimes, Noel E. Jones, Lewis R. Martel, John Schaffstall, Odell L. King, Donnall J. Drake, and Peter Conway, insofar as the claims relate to the initial seizure or taking of the materials BE, and the same hereby ARE, GRANTED;

4. Defendants' motions to dismiss the personal claims of the plaintiffs, in regard to the non-classified materials, for conversion, replevin, and violations of the fourth and fifth amendments against defendants Donald B. Grimes, Noel E. Jones, Lewis R. Martel, John Schaffstall, Odell L. King, Donnall J. Drake, and Peter Conway, insofar as the claims relate to the continued deprivation of the materials after title vested in the plaintiffs, BE, and the same hereby ARE DENIED;

5. Defendants' motions to dismiss the fourth amendment personal claims of the plaintiffs for the search of the Sigler residence against defendants Donald B. Grimes, Noel E. Jones, Lewis R. Martel, John Schaffstall, Odell L. King, Donnall J. Drake, and Peter Conway BE, and the same hereby ARE, DENIED;

6. Defendant Donnall J. Drake's motion to dismiss the complaint against him in Civil Action No. N-78-1237 for lack of personal jurisdiction BE, and the same hereby IS, DENIED; and

7. The Clerk shall mail copies of the aforesaid opinion and this order to all counsel of record for the parties in these cases.



Edward S. Northrop
Chief United States District Judge

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF ILSE M. SIGLER, etc., et al	DEFENDANT C. J. LE VAN, etc., et al	DOCKET NO. N-78-1237
DATE 1980	NR.	PROCEEDINGS
Jan. 7	154	Order (Northrop, CJ) "GRANTING" in part and "DENYING" in part Motions of Defendants to Dismiss as therein more particularly set forth. (c/m 1/7/80- cah)
Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, <u>CLIFFORD ALEXANDER</u> , to serve his Response to paragraph seven of the Order entered in this action of January 7, 1980, until February 15, 1980. (C/M 2/13/80 Clk)
Feb. 25	156	Motion of Defendant, Clifford Alexander for Protective Order; and Proposed Order. (c/s)
" "	157	Response of Defendant Clifford Alexander to the Opinion and Order dated January 7, 1980, and in support of Motion for Protective Order. (c/s)
Feb. 29	158	Notice of Appeal of Plaintiff. (c/m 3/5/80). (Filing fee paid).
" "	159	Notice of Appeal of Plaintiff - Re: Civil Case No. N-79-918. (c/m 3/6/80). (Filing fee paid).
Mar. 12	160	Opinion (Northrop, C.J.)
" "	161	Order (Northrop, C.J.) "GRANTING" in part and "DENYING" in part, Motions of Defendants to Dismiss as to Plaintiff's claims as to violations of the fourth and fifth amendment violations as therein more particularly set forth; and "DENYING" Motion of Defendant Donnall J. Drake to Dismiss complaint in Civil Action N-78-1237. (Copies of Opinion and Order mailed to all parties 3/12/80 jpw)
" "	162	Order (Northrop, C.J.) "GRANTING" Motion of Defendant Clifford Alexander for Protection Order that any future discovery shall be limited to interrogatories under Rule 33 of the FRCP and Requests for production of documents under Rule 34 of the FRCP. (c/m 3/12/80 jpw)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually :
v. :
C. J. LE VAN, Individually and as Major General, United States Army; DONALD B. GRIMES, Individually and as Colonel, United States Army; H. R. AARONS, Individually and as Major General, United States Army; NOEL JONES, Individually and as Chief, Special Operations Division, U. S. Army; CARLOS ZAPATA, Individually and as Chief Warrant Officer, United States Army; LEWIS MARTEL, Individually and as Chief Warrant Officer, United States Army; JOHN SCHAFFSTALL, Individually and as Chief Warrant Officer, United States Army; DONNALL J. DRAKE, Individually and as Chief Warrant Officer, United States Army; ODELL L. KING, Individually and as Chief Warrant Officer, United States Army; PETER CONWAY, Individually and as Project Officer, U. S. Army Intelligence; CLIFFORD ALEXANDER, Secretary of the Army. : CIVIL ACTION NO. N-78-1237

ILSE M. SIGLER, as Personal Representative of the Estate of Ralph J. Sigler, Deceased and ILSE M. SIGLER, Individually and KARIN (SIGLER) MEARS, Individually :
v. :
H. R. AARONS, Individually and as Major General, United States Army Deputy Director, Defense Intelligence Agency and DONALD B. GRIMES, Individually and as Colonel, United States Army and NOEL JONES, Individually and as Chief, Special Operations Division, : CIVIL ACTION NO. N-79-918

(160) Filed: 12 MARCH, 1980

U. S. Army Intelligence :
Agency and LEWIS MARTEL,
Individually and as Chief
Warrant Officer, United States :
Army and JOHN SCHAFFSTALL,
Individually and as Chief
Warrant Officer, United States :
Army and ODELL L. KING,
Individually and as Chief
Warrant Officer, United States :
Army and DONNALL J. DRAKE,
Individually and as Chief
Warrant Officer, United States :
Army and PETER CONWAY,
Individually and as Project :
Officer, U. S. Army Intelligence :
and CARLOS ZAPATA, Individually :
and as Chief Warrant Officer,
United States Army. :

Filed: March 12, 1980.

James E. Kenkel of Upper Marlboro, Maryland and William C. Brennan, Jr., of College Park, Maryland, for the plaintiffs.

James M. Kramon, of Baltimore, Maryland, Aubrey M. Daniel and Douglas R. Marvin, of Washington, D. C., for defendant LeVan (in Civil No. N-78-1237).

Joseph A. Schwartz, III, of Baltimore, Maryland and James F. Neal and Aubrey B. Harwell, Jr., of Nashville, Tennessee, and David R. Boyd, of Washington, D. C. for defendants Grimes, Aaron, Jones, Martel, Schaffstall, Conway, Drake and King.

Richard R. Beauchemin of Baltimore, Maryland and Robert D. Earp of El Paso, Texas, for defendant Zapata.

Alice Daniel, Acting Assistant Attorney General, Barbara B. O'Malley, R. John Sibert and Raymond M. Larizza, Attorneys, United States Department of Justice, Washington, D. C. for defendant Alexander (in Civil No. N-78-1237).

Russell T. Baker, Jr., United States Attorney for the District of Maryland and Lynne A. Battaglia, Assistant United States Attorney, for defendant Alexander (in Civil No. N-78-1237).

Northrop, Chief Judge.

On January 7, 1980, this Court filed an opinion (hereinafter Court's Opinion) in which it dismissed plaintiffs' claims for damages for injuries to Ralph J. Sigler and plaintiffs' claims for injunctive relief. This Court also dismissed the plaintiffs' personal claims of conversion,

replevin, and violations of their fourth and fifth amendment rights against defendant Prasek, the unknown defendants, and against the United States. In that opinion, however, the Court rejected defendants' motions to dismiss plaintiffs' personal claims on the basis of the Feres doctrine.

The litigation of plaintiffs' personal claims hinges on the question of whether Mr. Sigler consented to turning over his memoirs material to the defendant. In its opinion, the Court noted that "the question of Mr. Sigler's consent will likely mandate the exposure of his relationship and contacts with the defendant intelligence officers, in particular the ones who allegedly interrogated him and procured his 'consent.'" Court's Opinion at 29. Since this involves matters that might be protected by the state secrets privilege, this Court gave the Government thirty days in which to prepare a formal claim of the state secrets privilege over the matter of Mr. Sigler's relationship and contacts with these defendants. On February 8, 1980, the Government filed a motion for extension of time to February 15, 1980 to respond to the Court's directive, which this Court granted. On February 25, 1980, the Government filed a memorandum in which it stated that it declined to raise the state secrets privilege at this time. This Court will, therefore, now address the other defenses raised by the defendants in their motions to dismiss.

Plaintiffs' remaining claims against Secretary Alexander, in his individual capacity, must be dismissed for failure to state a claim. It is undisputed that defendant Alexander did not become Secretary of the Army

until February 14, 1977, almost ten months after the events that form the basis for the complaint against him in Civil Action No. N-78-1237. There are no allegations of any wrongdoing on his part. This remaining portion of the case against Secretary Alexander will therefore be dismissed. As with the dismissal of the claims against defendant Prasek, see Court's Opinion at 24, this dismissal is without prejudice to the plaintiffs to file a second amended complaint in Civil Action No. N-78-1237 within thirty days of the filing of this opinion.

Plaintiffs' remaining claims against defendant LeVan in Civil Action No. N-78-1237 must also be dismissed for failure to state a claim. References to defendant LeVan's alleged involvement in this case appear only twice in the amended complaint. On page four of the amended complaint, plaintiffs state the following:

MAJOR GENERAL C. J. LE VAN, United States Army, was the commanding general of Fort Bliss, Texas between June, 1973 and June, 1976, with administrative control and responsibility for Ralph J. Sigler. Defendant LE VAN was informed of Ralph J. Sigler's work for USAINTA, and was notified of certain of Sigler's specific intelligence activities. The actions of Defendant Le Van described herein were taken in both his individual and official capacities.

This statement contains no allegations of wrongdoing by defendant LeVan and is plainly insufficient to support the claims against him. See the cases cited in Court's Opinion at 21-22.

The only other reference to defendant LeVan's alleged involvement is contained in paragraph thirteen of the amended complaint where the plaintiffs refer to a letter written by Mr. Sigler to his wife on April 10, 1976. The Court found this letter insufficient to state a claim against defendant

Prasek, see Court's Opinion at 22-24, and the Court likewise finds the letter insufficient to state a claim against defendant LeVan. As with the dismissal of the claims against defendant Prasek, see Court's Opinion at 24, this dismissal is without prejudice to the plaintiffs to file a second amended complaint in Civil Action No. N-78-1237 within thirty days of the filing of this opinion.

Plaintiffs' remaining claims against defendant Aaron in these consolidated cases must also be dismissed for failure to state a claim. The first reference to him in Civil Action No. N-78-1237 is in the identification of parties section, which does not state a claim against him. The second reference to defendant Aaron is in paragraph thirteen of the amended complaint, which refers to the aforementioned April 10, 1976 letter from Mr. Sigler to his wife. For the same reasons, this Court finds the letter insufficient to state a claim against defendant Aaron. Similar references to defendant Aaron in Civil Action No. N-79-918 are likewise insufficient to state a claim against him. This Court will therefore dismiss plaintiffs' remaining claims against defendant Aaron in these consolidated cases, without prejudice to the plaintiffs to file amended complaints in Civil Actions Nos. N-78-1237 & N-79-918 within thirty days of the filing of this opinion.

Plaintiffs' remaining claims against defendant Zapata in these consolidated cases must also be dismissed for failure to state a claim. There are three references to his alleged involvement in this case in the amended complaint in Civil Action No. N-78-1237. The first references are on pages eight and ten, where it is alleged that defendant Zapata made telephone arrangements for Mr.

Sigler's release from Fort Bliss, Texas. This statement contains no allegation of wrongdoing. The second reference is to the aforementioned April 10, 1976 letter, which this Court has already found insufficient to state a claim against the other defendants. The third reference is on page fifteen of the amended complaint where the following is alleged:

Pursuant to communications between themselves, Defendants Martel, Jones, Grimes and Drake met at Sigler's room at the Holiday Inn and collectively conducted an illegal and unreasonable search in violation of the fourth amendment. After completion of this illegal and unreasonable search of the motel room and seizure of papers and effects, Defendant Jones communicated with Defendants Schaffstall and Zapata. On April 17, 1976 Defendant Schaffstall travelled to El Paso and communicated with Defendants Zapata and Prasek.

The nature of these communications is completely unspecified, and this reference does not allege any wrongful act by the defendant. Similar references to defendant Zapata in Civil Action No. N-79-918 are likewise insufficient to state a claim against him. This Court will therefore dismiss plaintiffs' remaining claims against defendant Zapata in these consolidated cases, without prejudice to the plaintiffs to file amended complaints in Civil Actions Nos. N-78-1237 & N-79-918 within thirty days of the filing of this opinion.

The Court finds that the plaintiffs' actions against the remaining defendants for conversion, replevin, and fourth and fifth amendment violations, in regard to the alleged seizure or taking of the classified materials, must also be dismissed.¹ It is beyond dispute that the plaintiffs

¹

See note 4 infra.

have no greater right to maintain an action for the taking of Mr. Sigler's "possessions" than would Mr. Sigler, were he alive today. The Court believes that the Government has shown that Mr. Sigler had no right to possess the classified materials in question and that his retention of them at his residence was unauthorized. See Defendant Clifford Alexander's Points And Authorities In Response To Questions By The Court at 4-16; 32 C.F.R. §159.501(b) (1976). See also Snepp v. United States, 100 S. Ct. ____ (1980) (per curiam). Mr. Sigler could not, therefore, assert an action for the deprivation of the classified materials were he alive today. See 18 U.S.C. §§792 et seq.; W. Prosser, Torts §13, at 94 (4th ed. 1971). A fortiori, the plaintiffs may not maintain such an action. Moreover, since Mr. Sigler had no right to transfer classified materials to his heirs, the plaintiffs could not have any expectation of inheriting, or property interest in, the classified materials, and thus cannot have standing to sue in their own right.

Consequently, the plaintiffs are now left only with their personal claims in regard to the non-classified materials. There is no question that Mr. Sigler owned these materials. The Court believes that plaintiffs' mere expectancy interests, as heirs of Mr. Sigler, in the non-classified materials are not sufficiently concrete to give them the right to maintain these actions for the seizure or taking of the materials. See Board of Regents v. Roth, 408 U.S. 574, 477 (1972); T. Cooley, Constitutional Limitations at 750 (8th ed. 1927); 18 Am. Jur.2d Conversion

§54, at 192 (1965). Plaintiffs have cited no authority to the contrary.²

Although the plaintiffs possessed expectancy interests in the non-classified materials at the time of their seizure, no right to a cause of action had vested in them. That right was vested in Mr. Sigler, who could have cut off their expectancy interests by grant or devise. Plaintiffs cannot now maintain an action for a wrongful seizure that took place when title to the non-classified materials was vested in Mr. Sigler.

This finding does not end the Court's inquiry, however. In several portions of the complaints, plaintiffs have alleged a continuing deprivation of the non-classified materials. Assuming, as this Court must for the purposes of a motion to dismiss, that title to the non-classified materials vested in the plaintiffs after Mr. Sigler's will was probated, then plaintiffs presumably have a cause of action for any continued "deprivation" of the non-classified materials after title vested in them.³

The plaintiffs' remaining claim is under the fourth amendment for the allegedly unreasonable search of the Sigler residence.⁴ While this claim may be barred by

² In Plaintiffs' Supplemental Memorandum Of Law In Opposition To Defendants' Motion To Dismiss at 7, plaintiffs allege that they were in actual possession of the materials at the time of their alleged seizure. Plaintiffs have not pointed to any such allegations in either of their complaints.

³ The Court notes that the non-classified materials taken from the Sigler residence were returned to plaintiffs' counsel, after a formal demand. This action renders the question of damages a highly speculative issue, particularly if the non-classified materials were mistakenly confused with the classified materials.

⁴ The Court recognizes that the plaintiffs have a cause of action for the alleged search of the Sigler residence for the classified and non-classified materials.

the state secrets privilege or blocked by a good faith immunity defense, these questions cannot be resolved in the present posture of the case.

In his motion to dismiss, filed July 6, 1979, defendant Drake made the bare assertion that he had not yet been served with process in Civil Action No. N-78-1237.

Court Paper No. 121 is the "U.S. Marshals Service Process Receipt and Return" which indicates that a Deputy U.S. Marshal served Bessi Drake, the defendant's mother, at Mr. Drake's residence, on June 27, 1979. The issue was not raised at the hearing on the motions to dismiss, so the Court believes the issue to be moot. Defendant Drake's motion to dismiss for lack of personal jurisdiction is therefore denied.

A separate order will be entered in conformance with this opinion.



Edward S. Northrop
Chief United States District Judge

Dated: March ¹²/₁₂, 1980.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
Attn: Legal Counsel Division

FROM ~~EDDIE~~, BALTIMORE (62-2757) (SQ 7) (P)

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

DATE: 4/18/80

7,8,9,10-1,Enc.

PLS

Re Baltimore letter to Bureau dated 3/27/80.

Enclosed herewith is an updated copy of docket sheet showing new address for attorneys for Plaintiffs in captioned case, as obtained on 4/18/80.

AL
w/du

C62-117536-53

② - Bureau (Enc. 1)
2 - Baltimore
HJR:ald
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ENCLOSURE

ENCLOSURE ATTACHED

APR 21 1980

LES SIGLER



MAY 16 1980 U.S. Savings Bonds Regularly on the Payroll Savings Plan

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PLAINTIFFS

Ilse M. SIGLER and KARIN
M. SIGLER-NEARS

DEFENDANTS

Transferred from the U.S. District
Court Western District of Texas
El Paso Division - Civil Action
No. EP 77CA35.

CONCILATED FOR DISCOVERY
WITH CIVIL DOCKET NO. N-79-91P

SEE PAGE B FOR AMENDED TITLE

CAUSE

Title 28 U.S.C.A. §1331(a) to recover from the Defendants damages for the
death of Ralph J. Sigler

ssr

Sidney J. Diamond
-Michael R. Gibson
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547-0500

-See Page 1A for additional counsel -FRANK, BERNSTEIN, CONAWAY & GOLDMAN

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
	2/29/80 20862 (akc) ff N of A	\$70.00		JS-5	
	3/3/80 Tr. U.S. Clerk's fee	\$70.00		JS-6	

UNITED STATES DISTRICT COURT DOCKET

DC-111 (Rev. 1/75)

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

TO : DIRECTOR, FBI
Attention: Legal Counsel Division
FROM : SAC, BALTIMORE (62-2757)(SQ. 7)(P)

DATE: 5/30/80

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

Re Baltimore letter to Bureau dated 4/18/80.

Enclosed herewith is an updated copy of docket sheet showing the Fourth Circuit's granting motion of Aaron, et al, to "Dismiss" Appeals and a copy of the Order granting the dismissal dated 5/2/80.

② - Bureau (Encs. - 2)
2 - Baltimore
BDA:fac
(4)

ENCLOSURE

62-117536-54

7 JUN 2 1980

LEGAL COUNSEL

CC: KM 7338

OCT 17 1980



57 JUN 1980

Buy One

Sell One

Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
NO. 80-1160

APR 29 1980
WILLIAM K. SLATE, II
CLERK

Ilse M Sigler, etc., et al,

Appellants,

versus

C.J. Le Van, etc., et al,

N-78-1237

Appellees.

NO. 80-1202

Ilse M. Sigler, etc., et al,

Appellants,

versus

C.J. Le Van, etc., et al,

N-78-1237

Appellees.

O R D E R

Upon consideration of motion of appellees Aaron,
et al, to dismiss the appeals, and the responses thereto,

IT IS ORDERED that the motion is GRANTED, and the
appeals are dismissed.

Entered at the direction of Judge Haynsworth for
a panel consisting of Judge Haynsworth, Judge Bryan, and
Judge Winter.

For the Court,

/s/ William K. Slate, II

CLERK

A True Copy, Teste:

William K. Slate, II, Clerk

By Mail M. Gregory
Deputy Clerk

REC'D
MAY 2 1980
U.S. DISTRICT COURT
CLERK'S OFFICE
CHARLOTTE, NORTH CAROLINA

PLAINTIFF		DEFENDANT		DOCKET NO. N-78-123 PAGE ____ OF ____ PAGES
DATE 1980	NR.	PROCEEDINGS		
Jan. 7	154	Order (Northrop, C.J) "GRANTING" in part and "DENYING" in part Motions of Defendants to Dismiss as therein more particularly set forth. (c/m 1/7/80- cat)		
Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, <u>CLIFFORD ALEXANDER</u> , to serve his Response to paragraph seven of the Order entered in this action of January 7, 1980, until February 15, 1980. (C/M 2/13/80 Clk)		
Feb. 25	156	Motion of Defendant, Clifford Alexander for Protective Order; and Proposed Order. (c/s)		
" "	157	Response of Defendant Clifford Alexander to the Opinion and Order dated January 7, 1980, and in support of Motion for Protective Order. (c/s)		
Feb. 29	158	Notice of Appeal of Plaintiff. (c/m 3/5/80). (Filing fee paid).		
" "	159	Notice of Appeal of Plaintiff - Re: Civil Case No. N-79-918. (c/m 3/6/80). (Filing fee paid).		
Mar. 12	160	Opinion (Northrop, C.J.)		
" "	161	Order (Northrop, C.J.) "GRANTING" in part and "DENYING" in part, Motions of Defendants to Dismiss as to Plaintiff's claims as to violations of the fourth and fifth amendment violations as therein more particularly set forth; and "DENYING" Motion of Defendant Donnall J. Drake to Dismiss complaint in Civil Action N-78-1237. (Copies of Opinion and Order mailed to all parties 3/12/80 jpw)		
" "	162	Order (Northrop, C.J.) "GRANTING" Motion of Defendant Clifford Alexander for Protective Order that any future discovery shall be limited to interrogatories under Rule 33 of the FRCP and Requests for production of documents under Rule 34 of the FRCP. (c/m 3/12/80 jpw)		
May 2	163	Attested copy of the Order of the U.S. Court of Appeals, for the Fourth Circuit, "Granting" Motion of Aaron, et al, to "Dismiss" Appeals.		

62-117536-55

CHANGED TO

183-3074-45X

NOV 1980Conrad / Yer

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

DATE: 7/2/80

FROM *H. SAC* BALTIMORE (197-42) (SQ. 7) (P)

H. SAC *2*
SUBJECT: ELSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

C
7
Re Baltimore letter to Bureau dated 5/30/80.

Bureau should note that Baltimore has changed
file number 62-2757 to 197-42.

Enclosed herewith is an updated copy of docket
sheet and Order Regarding Discovery filed 6/20/80.

H. SAC
62-117536-56
② - Bureau (Encs. - 2) *ENCLOSURE* *ENCLOSURE ATTACHED*
2 - Baltimore
BDA:fac
(4)

23 JUL 7 1980

CC + copy of enc.
Rm 7338



1 JUL 17 1980

10

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

PLAINTIFF ILSE M. SIGLER, etc., et al		DEFENDANT C. J. LE VAN, etc., et al	DOCKET NO. N-78-1237
DATE 1980	NR.	PROCEEDINGS	
J: 7	154	Order (Northrop, CJ) "GRANTING" in part and "DENYING" in part Motions of Defendants to Dismiss as therein more particularly set forth. (c/m 1/7/80- cah)	
Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, CLIFFORD ALEXANDER, to serve his Response to paragraph seven of the Order entered in this action of January 7, 1980, until February 15, 1980. (C/M 2/13/80 Clk)	
Feb. 25	156	Motion of Defendant, Clifford Alexander for Protective Order; and Proposed Order. (c/s)	
" "	157	Response of Defendant Clifford Alexander to the Opinion and Order dated January 7, 1980, and in support of Motion for Protective Order. (c/s)	
Fe 29	158	Notice of Appeal of Plaintiff. (c/m 3/5/80). (Filing fee paid).	
" "	159	Notice of Appeal of Plaintiff - Re: Civil Case No. N-79-918. (c/m 3/6/80). (Filing fee paid).	
Mar. 12	160	Opinion (Northrop, C.J.)	
" "	161	Order (Northrop, C.J.) "GRANTING" in part and "DENYING" in part, Motions of Defendants to Dismiss as to Plaintiff's claims as to violations of the fourth and fifth amendment violations as there in more particularly set forth; and "DENYING" Motion of Defendant Donnall J. Drake to Dismiss complaint in Civil Action N-78-1237. (Copies of Opinion and Order mailed to all parties 3/12/80 jpw)	
" "	162	Order (Northrop, C.J.) "GRANTING" Motion of Defendant Clifford Alexander for Protective Order that any future discovery shall be limited to interrogatories under Rule 33 of the FRCP and Requests for production of documents under Rule 34 of the FRCP. (c/m 3/12/80 jpw)	
May 2	163	Attested copy of the Order of the U.S. Court of Appeals, for the Fourth Circuit, "Granting" Motion of Aaron, et al, to "Dismiss" Appeals.	
June 20	164	Discovery Order (Northrop, CJ). (c/m 6/24/80 - cah)	

3. Depositions upon written questions shall be conducted before an officer who has received an appropriate security clearance from the Department of the Army. The testimony, shall be taken at a secure location approved by the Department of the Army. The plaintiffs, plaintiffs' counsel and all other persons without appropriate security clearances shall be excluded from the deposition. The notes and transcript of the testimony shall be submitted to the Department of the Army for review and editing in accordance with the procedures set forth in paragraph 2 above.

4. In answering interrogatories and deposition questions, the defendants shall answer fully and freely, without regard to whether the answer contains classified information.

5. The Secretary of the Army shall not be required to assert formal claims of military and states secrets privilege when deleting sensitive information but may do so if, and when, any party seeks to compel the disclosure of such information.

6. This order supersedes all previous orders regarding discovery in this action and is entered without prejudice to the right of the United States or any party to seek modification of its terms in the future.


Chief UNITED STATES DISTRICT JUDGE

Seen and Approved as to Form:

Raymond M. Larizza DATE 6/19/80
RAYMOND M. LARIZZA
Attorney, Department of Justice
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Attorney for the United States

David R. Boyd DATE 6/19/80
DAVID R. BOYD
Rogovin, Stern & Huge
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036
Attorney for Defendants

W.C. Brennan DATE 6/19/80
WILLIAM C. BRENNAN, JR.
Marlborough Professional Park
14322 Old Marlboro Pike
Upper Marlboro, Maryland 20870
Attorney for Plaintiffs

JUN 20 1980

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al.,)
Plaintiffs,)
v.) Civil Action No. N-78-1237
C.J. LEVAN, et al.,) Civil Action No. N-79-918
Defendants.)

ORDER REGARDING DISCOVERY

AND NOW, this 20th day of June, 1980, in
recognition of the interest of the United States in safeguarding its
military and state secrets, it is hereby ORDERED as follows:

1. All discovery directed by the plaintiffs to the remaining defendants in the above-captioned action shall be limited to requests for production of documents under Rule 34, F.R.Civ.P., interrogatories under Rule 33, F.R.Civ.P., and depositions upon written questions under Rule 31, F.R.Civ.P. Except for the procedures set forth below, such discovery shall be conducted in accordance with the Federal Rules of Civil Procedure.
2. Documents provided in response to requests for production and answers to interrogatories shall be submitted by the defendants, under suitable safeguards, to the Department of the Army prior to service upon plaintiffs' counsel and filing with the Court. Within a reasonable time after submission, the Department of the Army shall review such documents and answers. Where a document or answer contains information which, in the judgment of the Department of the Army, must remain confidential in the interests of national security, the Department of the Army shall prepare an edited version of the document or answer, deleting such information. The edited version shall be provided to counsel for the parties and filed with the Court. The original document or answer shall be retained in an appropriate storage facility by the Department of the Army.

memorandum

DATE:

7/29/80

REPLY TO
ATTN OF:

SAC, BALTIMORE (197-42) (S-7) (P)

SUBJECT:

ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

TO:

TO:

DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

Re Baltimore letter to Bureau dated 7/2/80.

Enclosed herewith is an updated copy of docket sheet which did not reflect the entry on 6/13/80, when checked on 6/20/80; therefore, docket sheet being furnished Bureau for information purposes.

②
62-117536-51

17 AUG 1 1980

1cc
RM 732G
2-Bureau (Enc. 1)
2-Baltimore
BDA:pk
(4)

1cc ENC
MADE RM 732C

LEGAL ADVICE



68 AUG 32 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CIVIL DOCKET CONTINUATION SHEET

FBI-MAR-3-9-78

PLAINTIFF		DEFENDANT	DOCKET NO.
ILSE M. SIGLER, etc., et al		C. J. LE VAN, etc., et al	N-78-1237
DATE	NR.	PROCEEDINGS	PAGE <u> </u> OF <u> </u> PAGES
1980			
Jan. 7	154	Order (Northrop, CJ) "GRANTING" in part and "DENYING" in part Motions of Defendants to Dismiss as therein more particularly set forth. (c/m 1/7/80- cah)	
Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, <u>CLIFFORD ALEXANDER</u> , to serve his Response to paragraph seven of the Order entered in this action of January 7, 1980, until February 15, 1980. (C/M 2/13/80 Clk)	
Feb. 25	156	Motion of Defendant, Clifford Alexander for Protective Order; and Proposed Order. (c/s)	
" "	157	Response of Defendant Clifford Alexander to the Opinion and Order dated January 7, 1980, and in support of Motion for Protective Order. (c/s)	
Feb. 29	158	Notice of Appeal of Plaintiff. (c/m 3/5/80). (Filing fee paid).	
" "	159	Notice of Appeal of Plaintiff - Re: Civil Case No. N-79-918. (c/m 3/6/80). (Filing fee paid).	
Mar. 12	160	Opinion (Northrop, C.J.)	
" "	161	Order (Northrop, C.J.) "GRANTING" in part and "DENYING" in part, Motions of Defendants to Dismiss as to Plaintiff's claims as to violations of the fourth and fifth amendment violations as there in more particularly set forth; and "DENYING" Motion of Defendant Donnall J. Drake to Dismiss complaint in Civil Action N-78-1237. (Copies of Opinion and Order mailed to all parties 3/12/80 jpw)	
" "	162	Order (Northrop, C.J.) "GRANTING" Motion of Defendant Clifford Alexander for Protective Order that any future discovery shall be limited to interrogatories under Rule 33 of the FRCP and Requests for production of documents under Rule 34 of the FRCP. (c/m 3/12/80 jpw)	
May 2	163	Attested copy of the Order of the U.S. Court of Appeals, for the Fourth Circuit, "Granting" Motion of Aaron, et al, to "Dismiss" Appeals.	
June 13	--	Status Conference held before Northrop, CJ.	
June 20	164	Discovery Order (Northrop, CJ). (c/m 6/24/80 - cah)	

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Edgar
TO : DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

DATE: 9/2/80

FROM : SAC, BALTIMORE (197-42)(SQ. 7)(P)

C
SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

6
DC

Re Baltimore letter to Director dated 7/29/80.
A review of docket sheet on 8/26/80 revealed no
change.

WWD

62-117536-58

11 SEP 4 1980

② - Bureau
2 - Baltimore
BDA:fac
(4)

RE
00 SEP 4 1980 7338

JM
JKW
Kellman



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

memorandum

DATE: 10/8/80

REPLY TO
ATTN OF SAC, BALTIMORE (197-42)(SQ. 7)(P)

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT
TP: DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

TO: DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

Re Baltimore letter to Bureau dated 9/2/80.

A review of docket sheet on 9/25/80 revealed no
change.



② - Bureau
2 - Baltimore
BDA:fac
(4)

62-117536-59

6 OCT 10 1980

6600 10/10/80
100

LEGAL COUNSEL

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



UNITED STATES GOVERNMENT

memorandum

DATE: 10/28/80

REPLY TO
ATTN TO: SAC, BALTIMORE (197-42)(SQ. 7)(P)

SUBJECT: MELSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT

TO: DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

TO: DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

Re Baltimore letter to Bureau dated 10/8/80.

A review of docket sheet on 10/22/80 revealed
no change.

62-117536-60

② - Bureau
2 - Baltimore
BDA:fac
(4)

3 OCT 20 1980

DC - #7338

60 NOV 19 1980

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



DATE: 12/1/80

REPLY TO
ATTN OF
SAC, BALTIMORE (197-42)(SQ. 7)(P)

memorandum

cc:

SUBJECT: ILSE M. SIGLER, ET AL;
 MAJOR GENERAL C.J. LE VAN, ET AL;
 U.S. DISTRICT COURT
 DISTRICT OF MARYLAND
 CIVIL ACTION # N 78-1237
 MISCELLANEOUS - CIVIL SUIT

TO: DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

Re Baltimore letter to the Bureau dated 10/28/80.

A review of docket sheet on 11/20/80 revealed
 no change.

②- Bureau
 2 - Baltimore
 BDA:fac
 (4)

20 DEC 3 1980

John
 LEGAL COUNSEL

62-117536-61
 60 DEC 08 1980



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

180

memorandum

DATE: 12/24/80

REPLY TO
ATTN OF: SAC, BALTIMORE (197-42)(SQ. 7)(P)SUBJECT: *HS*
IDSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT
XX: DISTRICT OF MARYLAND
CIVIL ACTION # N78-1237
MISCELLANEOUS - CIVIL SUITTO: DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

Re Baltimore letter to the Bureau dated 12/1/80.

A review of docket sheet on 12/15/80 revealed
no change.*Cat**62-117536-62*② - Bureau
2 - Baltimore
BDA:fac
(4)

1 DEC 29 1980

SI

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

memorandum

DATE: 1/29/81

REPLY TO: SAC, BALTIMORE (196-42)(SQ. 7)(P)

SUBJECT: ILSE M. SIGLER, ET AL;
 MAJOR GENERAL C.J. LE VAN, ET AL;
 U.S. DISTRICT COURT
 ROX DISTRICT OF MARYLAND
 CIVIL ACTION #N78-1237
 MISCELLANEOUS - CIVIL SUIT

TO: DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

Re Baltimore letter to the Bureau dated 12/24/80.

A review of docket sheet on 1/19/81 revealed no change.

JES/AM
1/29/81

②- Bureau
 2 - Baltimore
 BDA:fac
 (4)

62-117536-63

RECEIVED JAN 30 1981

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30 FEB 1981
7338LEAD
MURKIN

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
 (REV. 7-76)
 GSA FPMR (41 CFR) 101-11.6
 5010-112

UNITED STATES GOVERNMENT

memorandum

DATE:

3/3/81

REPLY TO
ATTN OF:

SAC, BALTIMORE (197-42) (SQ. 7) (P)

SUBJECT: *H*
TILSE M. SIGLER, ET AL;

MAJOR GENERAL C.J. LE VAN, ET AL;

U.S. DISTRICT COURT

XMR: DISTRICT OF MARYLAND

CIVIL ACTION #N78-1237

MISCELLANEOUS - CIVIL SUIT

TO: DIRECTOR, FBI (62-117536)

Attention: Legal Counsel Division

Re Baltimore letter to the Bureau dated 1/29/81.

A review of records at the Clerk of the Court for U.S. District Court, District of Maryland, on 2/18/81 revealed the following enclosed documents:

Updated docket sheet; and

Discovery Order filed 2/5/81.

PP

Q - Bureau (Encs. - 2)
2 - Baltimore
BDA:fac
(4)

62-117536-64
ENCLOSURE ATTACHED

3 MAR 5 1981

cc + copy of enc - LM 7338

JM



66 MAR 20 1981

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

26

ENCLOSURES (2)
DIRECTOR, FBI (62-117536)

ENCLOSURE

62-117536-64

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al.,)
Plaintiffs)
v.) Civil Action No. N-78-1237
C. J. LE VAN, et al.,) Civil Action No. N-79-918
Defendants.) (Consolidated)

ORDER REGARDING DISCOVERY

Following this Court's status conference in the above-captioned case of January 30, 1981, and in order to facilitate the prompt disposition of this case, the Court hereby establishes the following schedule for the plaintiffs' conduct of discovery in accordance with the Court's prior order of June 20, 1980.

AND NOW, this 3rd day of February, 1981, it is hereby ORDERED as follows:

1. Plaintiffs shall file and serve upon counsel for the defendants and upon the United States all interrogatories under Rule 33, Fed. R. Civ. P., and depositions upon written questions under Rule 31, Fed. R. Civ. P., within thirty (30) days of the date of this order.

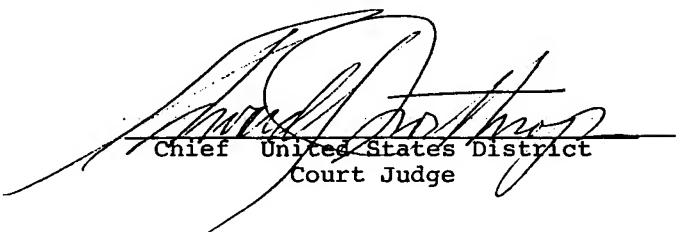
2. Defendants shall respond to all such interrogatories and depositions upon written questions within forty-five (45) days of receipt of same in accordance with the procedures established by this Court's order of June 20, 1980, and all such responses shall promptly be provided to the Department of the Army for review and deletion of classified information in accordance with this Court's order of June 20, 1980.

3. The Department of the Army shall conduct a classification review of all such responses and shall file with the Court and serve upon counsel for the plaintiffs and defendants edited transcripts of such responses within thirty (30) days of its receipt of same.

4. In the event any party seeks to compel the production of any information that has been deleted by the Department of the Army in the interests of national security, that party shall seek to compel such disclosure in accordance with the Federal Rules of Civil Procedure and the Secretary of the Army may, in his discretion, assert a formal claim of military or state secrets privilege.

5. The limitations of Rule 6B of the Rules of the United States District Court for the District of Maryland is hereby waived for the purpose of this litigation.

6. This order and this Court's previous order of June 20, 1980 supersede all previous orders regarding discovery in this action and are entered without prejudice to the right of any party to seek modification of its terms in the future.



John D. Trotter
Chief United States District Court Judge

Seen:

David R. Boyd
DAVID R. BOYD
Rogovin, Stern & Huge
1730 Rhode Island Avenue, N.W.
Washington, D. C. 20036
Attorney for Defendants

James E. Kenkel (DR)
JAMES E. KENKEL
Kenkel & Brennan
Marlborough Professional Park
14322 Old Marlboro Pike
Upper Marlboro, Maryland 20870
Attorney for Plaintiffs

Raymond M. LARIZZA Jr.

RAYMOND M. LARIZZA
Attorney, Department of Justice
10th & Pennsylvania Avenue, N.W.
Washington, D. C. 20530
Attorney for the United States

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-3-7-78

PLAINTIFF ILSE M. SIGLER, etc., et al		DEFENDANT C. J. LE VAN, etc., et al	DOCKET NO. <u>N-78-1237</u>
DATE 1980	NR.	PROCEEDINGS	
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Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, <u>CLIFFORD ALEXANDER</u> , to serve his Response to paragraph seven of the Order entered in this action of January 7, 1980, until February 15, 1980. (C/M 2/13/80 CLK)	
Feb. 25	156	Motion of Defendant, Clifford Alexander for Protective Order; and Proposed Order. (c/s)	
" "	157	Response of Defendant Clifford Alexander to the Opinion and Order dated January 7, 1980, and in support of Motion for Protective Order. (c/s)	
Feb. 29	158	Notice of Appeal of Plaintiff. (c/m 3/5/80). (Filing fee paid).	
" "	159	Notice of Appeal of Plaintiff - Re: Civil Case No. N-79-918. (c/m 3/6/80). (Filing fee paid).	
Mar. 12	160	Opinion (Northrop, C.J.)	
" "	161	Order (Northrop, C.J.) "GRANTING" in part and "DENYING" in part, Motions of Defendants to Dismiss as to Plaintiff's claims as to violations of the fourth and fifth amendment violations as therein more particularly set forth; and "DENYING" Motion of Defendant Donnall J. Drake to Dismiss complaint in Civil Action N-78-1237. (Copies of Opinion and Order mailed to all parties 3/12/80 jpw)	
" "	162	Order (Northrop, C.J.) "GRANTING" Motion of Defendant Clifford Alexander for Protective Order that any future discovery shall be limited to interrogatories under Rule 33 of the FRCP and Requests for production of documents under Rule 34 of the FRCP. (c/m 3/12/80 jpw)	
May 2	163	Attested copy of the Order of the U.S. Court of Appeals, for the Fourth Circuit, "Granting" Motion of Aaron, et al, to "Dismiss" Appeals.	
June 13	--	Status Conference held before Northrop, CJ.	
June 20	164	Discovery Order (Northrop, CJ). (c/m 6/24/80 - cah)	
<u>1981</u>			
Feb. 5	165	Discovery Order (Northrop, C.J.) (dated 2/3/81) (c/m 2/5/81 jpw)	

UNITED STATES GOVERNMENT

DATE: APRIL 2, 1981

memorandum

REPLY TO
ATTN OF: SAC, BALTIMORE (196-42) (SQ. 7) (P)

SUBJECT: TILSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT
XX DISTRICT OF MARYLAND
CIVIL ACTION #N78-1237
MISCELLANEOUS - CIVIL SUIT

TO: DIRECTOR, FBI (62-117536)
ATTN: LEGAL COUNSEL DIVISION

RE: Baltimore letter to the Bureau dated 3/3/81.

A review of docket sheet on March 18, 1981 revealed
no change.



62-117536-65

11 APR 8 1981

Jan
Legal Counsel

① - Bureau
2 - Baltimore
BDA:hph
(4)

cc: Rm 7338



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

UNITED STATES GOVERN

memorandum

DATE: 5/5/81
REPLY TO: *SP*
ATTN OF: SAC, BALTIMORE (197-42) (SQ. 7) (P)
SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C.J. LE VAN, ET AL;
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N78-1237
MISCELLANEOUS - CIVIL SUIT
TO: DIRECTOR, FBI (62-117536)
ATTN: LEGAL COUNSEL DIVISION

OK
Re Baltimore letter to Bureau dated 4/2/81.

A review of the files of U.S. District Court, District of Maryland on April 22, 1981 revealed the following *OK*
enclosed information:

(1) Updated docket sheet indicating entries on March 5, 1981, and April 13 and 20, 1981. (2) Enclosed is one copy each of the designated items as entered on the docket sheet.

① Bureau (Enc. 28) *OK*
2-Baltimore
BDA:pjc
(4)
CC-*LM 7388*

ENC. BEHIND FILE

OK
LEGAL COUNSEL

62-117536-66
17 MAY 11 1981

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
7 MAY 15 1981

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
ILSE M. SIGLER, et al. *
Plaintiffs *
vs. * Civil Action No. N-781237
MAE 5 4/6 PM '81
MAJOR GENERAL C.J. LE VAN, *
et al. *
Defendants *
*
*
INTERROGATORIES

TO: Donnall J. Drake, Noel E. Jones, and Donald B. Grimes, Defendants
FROM: Ilse M. Sigler, et al., Plaintiffs

You are requested to answer the following Interrogatories:

(a) These Interrogatories are continuing in character, so as to require you to file supplementary answers if you obtain further or different information before trial.

(b) Where the name or identity of a person is requested, please state full name, home address, and business address, if known.

(c) Unless otherwise indicated, these Interrogatories refer to the time, place and circumstances of the occurrence mentioned or complained of in the pleadings.

(d) Where knowledge or information or possession of a party is requested, such request includes the knowledge of the party's agents, representatives, and unless privileged, his attorneys.

(e) The pronoun "you" refers to the party to whom these Interrogatories are addressed, and the persons mentioned in Clause (d).

1. Who notified you of Mr. Sigler's death?
2. When were you notified of Mr. Sigler's death?
3. Did you go to Mr. Sigler's hotel room at the Holiday Inn in Jessup, Maryland, on the evening of Mr. Sigler's death, April 13, 1976?
4. Did anyone instruct or request you to go to Mr. Sigler's hotel room and if so, who instructed or requested you to do so?
5. What instructions were you given as to why you should go to Mr. Sigler's

LAW OFFICES
KENKEL AND BRENNAN
PROFESSIONAL ASSOCIATION
14322 OLD MARLBORO PIKE
UPPER MARLBORO, MARYLAND 20870
(301) 852-0110

(U70) *Filed. 5th of March, 1981*

hotel room?

6. What was the purpose of your going to Mr. Sigler's hotel room?
7. Did anyone accompany you to Mr. Sigler's hotel room and if so, why?
8. When did you arrive at Mr. Sigler's hotel room?
9. Name all persons who were in or around Mr. Sigler's room when you arrived.
10. Describe in detail what took place in and around Mr. Sigler's hotel room after you arrived there and while you there.
11. Describe in detail any conversations you had with anyone in and around Mr. Sigler's hotel room.
12. Describe in detail any conversations which took place between others in and around Mr. Sigler's hotel room.
13. What actions did you take upon entering Mr. Sigler's room?
14. Upon entering Mr. Sigler's room did you disturb any objects in the room?
15. If so, what objects did you disturb?
16. Did you pick up any documents or notes in Mr. Sigler's room?
17. If so, what was the nature of such documents or notes?
18. Were you looking for any particular object(s) and/or document(s) and if so, of what relevance were these objects and/or documents? Had you been given instructions to locate these particular objects and/or documents and if so, by whom and when. Did you find these particular objects and/or documents and if so, what did you do with these objects and/or documents?
19. Did you retain any documents, notes or other objects and if so, why did you retain such items?
20. What did you do with any documents, notes or other objects which you did retain?
21. Have all written materials, notes or other objects retained by you from Mr. Sigler's hotel room been turned over to the police, and if not, why haven't they been and who is in possession of these written materials, notes or other objects?
22. Did you or anyone with you make any telephone calls from Mr. Sigler's

room?

23. If so, who did you call and describe in detail the nature of the telephone conversation or conversations.

24. Describe in detail what was discussed in these conversations.

25. Did you leave and return to Mr. Sigler's hotel room?

26. If so, why did you leave, where did you go, and why did you return to Mr. Sigler's hotel room?

27. Did anyone else return with you to Mr. Sigler's hotel room? If so, who and why?

28. Did you at any time take a written inventory of the objects in Mr. Sigler's room?

29. If so, name any other persons who assisted you in taking this written inventory.

30. What was done with this written inventory after it was completed?

31. Did you retain any or all of the inventoried objects?

32. If so, name and describe in detail each object that was taken.

33. Where and why were these objects taken?

34. Were all of these objects later turned over to the police and if not, why not and who is in possession of these objects?

35. Did you inform anyone of Mr. Sigler's death? Who did you inform and when did you inform each such person and why?

Respectfully submitted:

KENKEL AND BRENNAN, P.A.

BY

William C. Brennan, Jr.

BY

James E. Kenkel
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of all Interrogatories were mailed, postage prepaid, this 5th day of March, 1981, to the parties listed below.



William C. Brennan, Jr.

James F. Neal, Esq.
Neal and Harwell
800 3rd National Bank Building
Nashville, Tennessee 37201

Joseph A. Schwartz, III, Esq.
Fidelity Building, Suite 1211
Baltimore, Maryland 21201

Lynne A. Battaglia, Esq.
Assistant U.S. Attorney
U.S. Courthouse
Baltimore, Maryland 21201

David R. Boyd, Esq.
Rogovin, Stern and Huge
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

R. John Sibert, Esq.
Raymond M. Larizza, Esq.
Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al.,)
Plaintiffs,)
v.) Civil Action No. N-78-1237
C. J. LEVAN, et al.,) 79-918
Defendants.) (Consolidated)

DEFENDANTS' FIRST SET OF
INTERROGATORIES TO PLAINTIFFS

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendants request that plaintiffs respond fully and under oath to the following interrogatories within thirty days of this request..

DEFINITION AND SCOPE

Documents:

As used herein, "documents" means the originals (or any copies when originals are not available) unless otherwise stated and any nonidentical copies (whether different from originals because of notes made on such copies or otherwise) of writings of every kind and description, whether inscribed by hand or mechanical, electronic, microfilm, photographic or other means, as well as phonic (such as tape recordings) or visual reproductions of oral statements, conversations or events, and including, but not limited to, correspondence, letters, teletype messages, memoranda, notes, reports, records of meetings, conferences, or telephone or other conversations or communications, contracts, books, pamphlets, manuals, periodicals, advertising or promotional matter, invoices, delivery tickets, purchase orders, studies, statistical analyses, tabulations, tallies, plans, and any other written, printed, reproduced or recorded material.

APR 20 1981
RECEIVED
U.S. DISTRICT COURT
MARYLAND

(77) FILED: 20 April 1981

Communication:

As used herein, "communication" means any contact, oral, written, or otherwise, direct or indirect, between two or more persons, including but not limited to conversations, meetings, telephone calls, letters, or transmittal of documents, and includes a review by one person of documents under the custody, control or supervision of another person.

Plaintiffs:

As used herein, "plaintiffs" shall mean Illse M. Sigler and Karin Sigler Mears, and all of their present and former counsel or all other persons who acted on their behalf with respect to the matters alleged in plaintiffs' complaints.

Time Period:

Unless otherwise indicated, each interrogatory covers the period January 1, 1966 to and including the date of plaintiffs' responses to this request.

Continuing Nature Of Request:

This request is deemed to be continuing in nature and thus to require supplemental responses if additional information called for by any request is obtained. Plaintiffs are requested to advise defendants periodically of the existence and availability of such additional information, and in any event, to supplement the responses to these interrogatories no later than fifteen (15) days before any pretrial order is due to be submitted in this case and thirty (30) days before trial.

KNOWLEDGE OF AGENTS

Where knowledge or information of plaintiffs is requested, such request includes the knowledge of plaintiffs' agents and representatives and, unless privileged, plaintiffs' present or former counsel

INTERROGATORIES

1. Identify with as much particularity as is possible each item or category of items of property that plaintiffs contend the defendants, or any of them, wrongfully seized from Ralph J. Sigler or from the plaintiffs.
2. With respect to each such item or category of items identified in response to Interrogatory 1 above, state the following:
 - A) The date and manner in which the item or category of items was seized by defendants;
 - B) The date and manner in which title for the item or category of items of property vested in the plaintiffs;
 - C) The date and manner in which a demand or request for the return of that item or category of items of property was made upon the defendants, and;
 - D) The date and manner in which any such item or category of items of property was returned to the plaintiffs.
3. With respect to each item or category of items of property that has been returned to plaintiffs, state the following:

- A) Whether plaintiffs knew of the existence of that item or category of items of property and had used, read or reviewed that item or category of items of property prior to its alleged seizure by the defendants;

B) Whether plaintiffs intend to claim any damage with respect to the period of alleged deprivation of that item or category of items of property, and;

C) The precise dollar amount of damage that plaintiffs claim with respect to that item or category of items of property and the basis of such claim of damage.

4. With respect to each item or category of items of property not returned to the plaintiffs, state the following:

A) Whether plaintiffs knew of the existence of that item or category of items of property and had used, read or reviewed that item of property prior to its alleged seizure by the defendants;

B) Whether plaintiffs do or will contend that that item or category of items of property was not properly classified in the interests of national security or that such item or category of items of property is not presently properly classified in the interests of national security.

C) Whether plaintiffs are authorized to receive or possess classified information;

D) Whether plaintiffs intend to claim any damage with respect to their alleged deprivation of that item or category of items of property;

E) The precise purpose or use that plaintiffs would put to that item or category of items of property if they obtained possession of it;

F) The precise dollar amount of damage that plaintiffs claim with respect to that item or category of items of property and the basis of such claim of damage.

G) Whether plaintiffs presently seek an injunction compelling the return of those items or category of items of property

5. State whether plaintiffs claim any damage with respect to the entry and presence of defendant John Schaffstall in the Sigler residence on April 8, 1976.

6. If the answer to Interrogatory Number 5 is in the affirmative, state the following:

A) Who was present in the Sigler residence during the time defendant Schaffstall was present;

B) The precise dollar amount of damage that plaintiffs claim with respect to that entry and the basis of such claim of damage.

7. Identify all other claims of damage not identified in the above responses and provide the following additional information with respect to such claim:

A) The nature and basis of the claim.

B) The precise dollar amount of the claim.

Respectfully submitted,

James F. Neal
James F. Neal
NEAL & HARWELL
Third National Bank Building
Nashville, Tennessee 37219
(615) 244-1713

David R. Boyd
David R. Boyd
ROGOVIN, STERN & HUGE
1730 Rhode Island Avenue, NW
Washington, DC 20036
202/466-6464

Attorneys for Defendants
Donald B. Grimes, Noel B.
Jones, Louis R. Martel,
Donnel E. Drake, O'Dell King
and Peter Conway

Dated: April 13, 1981

Joseph A. Schwartz
Joseph A. Schwartz, III
Fidelity Building
Baltimore, Maryland 21201
(304) 752-6818

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing interrogatories were served on plaintiffs by mailing copies of same, postage prepaid, to plaintiffs' counsel at the following address:

William Brennan, Esq.
Kenkel & Brennan
14322 Old Marlboro Pike
Upper Marlboro, MD. 20870

and, further, that copies of same were mailed to the United States Army and to all other counsel of record by the same manner.

David R. Boyd

David R. Boyd

Dated April 14, 1981

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al.,)
Plaintiffs,)
v.) Civil Action No. N-78-1237,
C. J. LEVAN, et al.,) 79-918
Defendants.) (Consolidated)

DEFENDANTS' FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, defendants hereby request that plaintiffs produce and permit defendants to inspect and copy the documents identified below within thirty days of this request at the office of defendants' counsel, 1730 Rhode Island Avenue, N.W., Washington, D.C., 20036.

DEFINITION AND SCOPE

Documents:

As used herein, "documents" means the originals (or any copies when originals are not available) unless otherwise stated and any nonidentical copies (whether different from originals because of notes made on such copies or otherwise) of writings of every kind and description, whether inscribed by hand or mechanical, electronic, microfilm, photographic or other means, as well as phonic (such as tape recordings) or visual reproductions of oral statements, conversations or events, and including, but not limited to, correspondence, letter, teletype messages, memoranda, notes, reports, records of meetings, conferences, or telephone or other conversations or communications, contracts, books, pamphlets, manuals,

periodicals, advertising or promotional matter, invoices, delivery tickets, purchase orders, studies statistical analyses, tabulations, tallies, plans, and any other written, printed, reproduced or recorded material.

Communication:

As used herein, "communication" means any contact, oral, written, or otherwise, direct or indirect, between two or more persons, including but not limited to conversations, meetings, telephone calls, letters, or transmittal of documents, and includes a review by one person of documents under the custody, control or supervision of another person.

Plaintiffs:

As used herein, "plaintiffs" shall mean Illse M. Sigler and Karin Sigler Mears. Each request for documents relates to documents that each plaintiff possesses or controls, directly or indirectly, as well as to documents in the joint possession or control of plaintiffs, and documents in the possession and control of their present and former counsel and any other agents or persons that have acted or do act at plaintiffs' behest with respect to the matters alleged in plaintiffs' complaints.

Time Period:

Unless otherwise indicated, each request covers the period January 1, 1966 to and including the date of plaintiffs' responses to this request.

Continuing Nature Of Request:

This request is deemed to be continuing in nature, and thus to require production of additional documents obtained

subsequent to the production called for by this request. Plaintiffs are requested to advise defendants periodically of the existence and availability of such additional documents, and in any event, to produce all such documents no later than fifteen (15) days before any pretrial order is due to be submitted in this case and thirty (30) days before trial.

OBJECTIONS TO PRODUCTION

In the event plaintiffs believe that any document requested herein can be withheld from production on grounds of privilege or otherwise, plaintiffs shall serve on counsel for the defendants within thirty (30) days of the receipt hereof, a written response, under oath, setting forth the following:

- (a) A written description of each such document, indicating the date when the document was generated and/or received by plaintiffs.
- (b) An identification of the person or persons who generated the document, any person or persons who received or reviewed the document or copies of it or who discussed the substance or contents of such documents, and the present location of the document.
- (c) A statement of the precise reasons why the document is being withheld.

DOCUMENTS REQUESTED

1. All documents relating to Ralph J. Sigler's service as an intelligence source or "double agent" or to any activities taken by him in that or similar capacities, other than those provided to plaintiffs by the United States Army in response to plaintiffs' Freedom of Information Act requests.

2. All documents relating to any contacts or communications between Ralph J. Sigler and any persons that may have represented foreign governments or foreign intelligence agencies.

3. All documents that relate to Ralph J. Sigler's intelligence activities, other than those provided to plaintiffs by the United States Army in response to plaintiffs' Freedom of Information Act requests.

4. All documents provided to the plaintiffs or their counsel by any private investigator or investigative agency retained to investigate the nature and circumstances of Mr. Sigler's intelligence activities, his activities in the vicinity of Ft. Meade, Maryland in April of 1976, or the circumstances surrounding his consent to the retrieval of materials from the Sigler residence or his death.

5. All documents relating to items of property allegedly seized from Ralph J. Sigler or the plaintiffs.

6. All documents relating to any request or demand by the plaintiffs for the return of any items of property.

7. All documents that establish or demonstrate that title to any of these items of property vested in the plaintiffs.

Respectfully submitted,

James F. Neal
James F. Neal
NEAL & HARWELL
Third National Bank Building
Nashville, Tennessee 37219
(615) 244-1713

David R. Boyd
David R. Boyd
ROGOVIN, STERN & HUGUE
1730 Rhode Island Avenue, NW
Washington, DC 20036
(202) 466-6464

Joseph A. Schwartz ⁰³
Joseph A. Schwartz, III
Fidelity Building
Baltimore, Maryland 21201
(304) 752-6818

Attorneys for Defendants
Donald B. Grimes, Noel B.
Jones, Louis R. Martel,
Donnel E. Drake, O'Dell King
and Peter Conway

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing request for production of documents was served on plaintiffs by mailing copies of same, postage prepaid, to plaintiffs' counsel at the following address:

William Brennan, Esq.
Kenkel & Brennan
14322 Old Marlboro Pike
Upper Marlboro, MD 20870

and, further, that copies of same were mailed to the United States Army and to all other counsel of record by the same manner.

David R. Boyd

David R. Boyd

Dated: April 14, 1981

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-3-7-78

PLAINTIFF	DEFENDANT	DOCKET NO.
ILSE M. SIGLER, etc., et al	C. J. LE VAN, etc., et al	DOCKET NO. <u>N-78-123</u>
DATE	NR.	PROCEEDINGS
Jan. 7	154	Order (Northrop, CJ) "GRANTING" in part and "DENYING" in part Motions of Defendants to Dismiss as therein more particularly set forth. (c/m 1/7/80- ca
Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, <u>CLIFFORD ALEXANDER</u> , to serve his Response to paragraph seven of the Order entered in this action, of January 7, 1980, until February 15, 1980. (c/m 2/13/80 Clk)
Feb. 25	156	Motion of Defendant, Clifford Alexander for Protective Order; and Proposed Order. (c/s)
" "	157	Response of Defendant Clifford Alexander to the Opinion and Order dated January 7, 1980, and in support of Motion for Protective Order. (c/s)
Feb. 29	158	Notice of Appeal of Plaintiff. (c/m 3/5/80). (Filing fee paid).
" "	159	Notice of Appeal of Plaintiff - Re: Civil Case No. N-79-918. (c/m 3/6/80). (Filing fee paid).
Mar. 12	160	Opinion (Northrop, C.J.)
" "	161	Order (Northrop, C.J.) "GRANTING" in part and "DENYING" in part, Motions of Defendants to Dismiss as to Plaintiff's claims as to violations of the fourth and fifth amendment violations as therein more particularly set forth; and "DENYING" Motion of Defendant Donnall J. Drake to Dismiss complaint in Civil Action N-78-1237. (Copies of Opinion and Order mailed to all parties 3/12/80 jpw)
" "	162	Order (Northrop, C.J.) "GRANTING" Motion of Defendant Clifford Alexander for Protective Order that any future discovery shall be limited to interrogatories under Rule 33 of the FRCP and Requests for production of documents under Rule 34 of the FRCP. (c/m 3/12/80 jpw)
May 2	163	Attested copy of the Order of the U.S. Court of Appeals, for the Fourth Circuit "Granting" Motion of Aaron, et al., to "Dismiss" Appeals.
June 13	---	Status Conference held before Northrop, CJ.
June 20	164	Discovery Order (Northrop, CJ). (c/m 6/24/80 - cah)
<u>1981</u>		
Feb. 5	165	Discovery Order (Northrop, C.J.) (dated 2/3/81) (c/m 2/5/81 jpw)
March 5	166	Interrogatories (26) of Plaintiffs propounded to Defendant, John Schaffstall.
" "	167	Interrogatories (7) of Plaintiffs propounded to Defendant Donnall J. Drake.
" "	168	Interrogatories (69) of Plaintiffs propounded to Defendant Louis R. Martel.
" "	169	Interrogatories (71) of Plaintiffs propounded to Defendants, Peter Conway; Donnall J. Drake; Donald B. Grimes; Noel E. Jones; Odell L. King; Lewis R. Martel, and John Schaffstall.

-continued on next page-

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. N-78-1237
ILSE M. SIGLER, etc., et al	C. J. LE VAN, etc., et al	PAGE <u>7</u> OF <u> </u> PAGES

DATE 1981	NR.	PROCEEDINGS
March 5	170	Interrogatories (35) of Plaintiffs propounded to Defendants, Donnall J. Drake; Noel E. Jones, and Donald B. Grimes.
Apr. 13	---	Status conference held before Northrop, C.J. (Via Telephone)
" 20	171	Interrogatories (20) (First Set) of Defendants propounded to the Plaintiffs.
" "	172	Request of Defendants (First) for Production of Documents by the Plaintiffs:

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
ILSE M. SIGLER, et al. *
Plaintiffs *
vs. * Civil Action No. N-781237
MAJOR GENERAL C.J. LE VAN, *
et al. *
Defendants *
*

RECEIVED
MAR 5 4 45 PM '81
CLERK COURT
US DISTRICT OF MARYLAND

INTERROGATORIES

TO: John Schaffstall
FROM: Ilse M. Sigler, et al., Plaintiffs

You are requested to answer the following Interrogatories:

(a) These Interrogatories are continuing in character, so as to require you to file supplementary answers if you obtain further or different information before trial.

(b) Where the name or identity of a person is requested, please state full name, home address, and business address, if known.

(c) Unless otherwise indicated, these Interrogatories refer to the time, place and circumstances of the occurrence mentioned or complained of in the pleadings.

(d) Where knowledge or information or possession of a party is requested, such request includes the knowledge of the party's agents, representatives, and unless privileged, his attorneys.

(e) The pronoun "you" refers to the party to whom these Interrogatories are addressed, and the persons mentioned in Clause. (d).

1. Describe in detail any instructions you received regarding Mr. Sigler and any private papers, effects and memorabilia that Mr. Sigler had assembled at his home in El Paso, Texas.
2. Who gave you these instructions and when did you receive said instructions?
3. Why did you leave Ft. Meade on April 8, 1976 and go to El Paso, Texas?
4. Were you ordered to go to El Paso, Texas, and if so, describe in

(JLW) Filed 5th of March, 1981

detail the instructions you received. Who instructed you to go to El Paso, and when? What was your purpose in going to El Paso and what relation was there between the documents Mr. Sigler had assembled at his residence in El Paso, Texas, and your trip to El Paso, Texas?

5. Describe in detail any information you were relayed regarding Mr. Sigler and the documents he had assembled at his residence in El Paso, Texas.

6. From whom did you receive this information and when?

7. Did you go to the Sigler residence in El Paso, Texas, on April 8, 1976 and if so, when did you go and what was the purpose of your going to the Sigler residence?

8. Give a detailed account of what transpired when you went to the Sigler residence on April 8, 1976.

9. Did Mrs. Sigler give you permission to enter her residence?

10. Exactly where did you go in the Sigler home?

11. Describe in detail any conversations you had with Mrs. Sigler when you went to the Sigler residence. What materials were you looking for? What materials did you take from the Sigler residence?

12. Where did you find these materials? How did you know where to look for these materials?

13. Did Mrs. Sigler object to your taking these materials?

14. How long were you at the Sigler residence?

15. When did you leave and where did you go immediately upon leaving the Sigler residence?

16. Do you make any written reports about this visit to the Sigler home?

17. Did you report on what had transpired at the Sigler residence to anyone after leaving the Sigler residence and if so to whom did you report and when?

18. What did you report?

19. Who did you give information to about the materials you had seized from the Sigler residence?

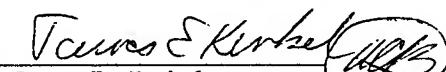
20. Where did you take these materials and to whom did you give these materials to? When did you give these materials to someone else?

21. Describe any contacts you had with Ft. Meade, Maryland, after you seized the materials from the Sigler residence.
22. When did you return to Ft. Meade, Maryland?
23. What did you do upon returning to Ft. Meade, Maryland?
24. Upon returning to Ft. Meade, did you report as to what you had done in El Paso, Texas to anyone and if so, to whom and what did you report?
25. Describe any meeting(s) you had with Ralph Sigler after your return to Ft. Meade. Please give specific details as to the nature, time, place and length of such meeting(s). Who was present at such meetings?
26. Describe any discussions which you engaged in regarding Mr. Sigler after you returned to Ft. Meade? Who were these discussions with and what was the outcome of these discussions? Please give specific facts as to the nature, time, place and length of these discussions.

Respectfully submitted:

KENKEL AND BRENNAN, P.A.

BY 
William C. Brennan, Jr.

BY 
James E. Kenkel
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of all Interrogatories were mailed, postage prepaid, this 5th day of March, 1981, to the parties listed below.


William C. Brennan, Jr.

James F. Neal, Esq.
Neal and Harwell
800 3rd National Bank Building
Nashville, Tennessee 37201

Joseph A. Schwartz, III, Esq.
Fidelity Building, Suite 1211
Baltimore, Maryland 21201

Lynne A. Battaglia, Esq.
Assistant U.S. Attorney
U.S. Courthouse
Baltimore, Maryland 21201

David R. Boyd, Esq.
Rogovin, Stern and Huge
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

R. John Sibert, Esq.
Raymond M. Larizza, Esq.
Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al. *

Plaintiffs * Civil Action No. N-781237

vs. *

MAJOR GENERAL C.J. LE VAN, *
et al. *

Defendants *

*

*

*

MAP 54 USE PH. 181
CLERK DISTRICT COURT
DISTRICT OF MARYLAND

RECEIVED

INTERROGATORIES

TO: Donnall J. Drake
FROM: Ilse M. Sigler, et al., Plaintiffs

You are requested to answer the following Interrogatories:

(a) These Interrogatories are continuing in character, so as to require you to file supplementary answers if you obtain further or different information before trial.

(b) Where the name or identity of a person is requested, please state full name, home address, and business address, if known.

(c) Unless otherwise indicated, these Interrogatories refer to the time, place and circumstances of the occurrence mentioned or complained of in the pleadings.

(d) Where knowledge or information or possession of a party is requested, such request includes the knowledge of the party's agents, representatives, and unless privileged, his attorneys.

(e) The pronoun "you" refers to the party to whom these Interrogatories are addressed, and the persons mentioned in Clause (d).

1. Did you drive with Louis Martel to the Holiday Inn in Jessup, Maryland on the evening of April 13, 1981?
2. What was the purpose of your going to the Holiday Inn? Were you instructed or requested to go to the Holiday Inn and if so, by whom?
3. Did you accompany Mr. Martel when he went into the hotel?
4. Did you remain in the car and if so, why did you remain in the car?

5. Did you have any communications with Mr. Martel after he went into the hotel and if so, describe the nature and subject matter of these communications.

6. Did you communicate with anyone other than Mr. Martel and if so, describe the nature and subject matter of these conversations.

7. Did you finally go into the hotel and if so, what prompted you to go into the hotel?

Respectfully submitted:

KENKEL AND BRENNAN, P.A.

BY 
William C. Brennan, Jr.

BY 
James E. Kenkel
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of all Interrogatories were mailed, postage prepaid, this 31 day of March, 1981, to the parties listed below.

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William C. Brennan, Jr.

James F. Neal, Esq.
Neal and Harwell
800 3rd National Bank Building
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Washington, D.C. 20036

R. John Sibert, Esq.
Raymond M. Larizza, Esq.
Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND
ILSE M. SIGLER, et al. *
Plaintiffs *
vs. * Civil Action No. N-781237
MAJOR GENERAL C.J. LE VAN, *
et al. *
Defendants *

MAR 5 4 1981
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CLERK, COURT
US DISTRICT COURT
DISTRICT OF MARYLAND

INTERROGATORIES

TO: Louis R. Martel, Defendant
FROM: Ilse M. Sigler, et al., Plaintiffs

You are requested to answer the following Interrogatories:

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(e) The pronoun "you" refers to the party to whom these Interrogatories are addressed, and the persons mentioned in Clause (d).

1. When was the last time you physically met with Ralph J. Sigler prior to his death?
2. Who else was present at this meeting?
3. Where did this meeting take place?
4. What was the purpose of this meeting?
5. What did you discuss at this meeting?

(168) Filed: 5th of March, 1981

6. How would you describe Mr. Sigler's mental and emotional state at the time of this last meeting between yourself and Mr. Sigler?
7. Did you have any telephone conversations with Mr. Sigler between the time of this meeting and his death? If so, how many telephone conversations did take place between you and Mr. Sigler, and when did these telephone conversations occur?
8. Who initiated these telephone conversations?
9. Describe in detail the purpose of each telephone conversation that took place.
10. Describe in detail exactly what was discussed in these conversations.
11. How would you describe Mr. Sigler's mental and emotional state at the time of these conversations?
12. Are you aware of any other telephone conversations or meetings which took place between Mr. Sigler and any other person or persons between the time of your last meeting with Mr. Sigler and his death on the evening of April 13, 1976? If so, when and with whom did these telephone conversations and/or meetings take place?
13. Describe in detail the purpose of each of these telephone conversations and/or meetings that took place.
14. Why was Mr. Sigler moved from another hotel to the Holiday Inn in Jessup, Maryland?
15. When was he moved to the Holiday Inn in Jessup, Maryland?
16. Under whose authorization or instructions was Mr. Sigler moved to the Holiday Inn in Jessup, Maryland?
17. On the evening of April 13, 1981, why did you go to the Holiday Inn in Jessup, Maryland, in search of Mr. Sigler?
18. Had someone requested that you meet or speak with Ralph Sigler that evening? If so, who requested that you meet or speak with Mr. Sigler and why did they request that you meet or speak with Mr. Sigler?
19. Describe in detail the purpose of your meeting or conversation with Mr. Sigler that evening.
20. Did you have any reasons to believe that it was imperative that you see or speak with Mr. Sigler that evening?

21. If so, give a concise statement of facts upon which you rely to support your reasons.
22. Did you have any reason to believe that Mr. Sigler was in danger at that time?
23. If so, what type of danger did you believe he was in and why did you believe he was in danger?
24. State the names and addresses of all other persons who accompanied you to Mr. Sigler's hotel on the evening of April 13, 1976.
25. Upon entering Mr. Sigler's hotel, did you or anyone with you attempt to enter Mr. Sigler's room without the aid of hotel employees? If so, was there any answer or response from within Mr. Sigler's room?
26. Did you hear any noise from within Mr. Sigler's room?
27. If so, describe in detail what you heard?
28. Did you or anyone with you see any other person enter or leave the hotel rooms on either side of Mr. Sigler's room? If so, to the best of your knowledge who were these persons?
29. Did you attempt to call Mr. Sigler's room from the hotel lobby, and if so, why?
30. Were you able to reach Mr. Sigler's room?
31. If so, what was the nature of the conversation or conversations that took place?
32. If you were unable to reach Mr. Sigler by telephone from the hotel lobby was it because there was no answer in Mr. Sigler's room or because the line was busy?
33. Did you attempt to call anyone else from the hotel lobby at that time?
34. If so, who did you call and what was the exact purpose and nature of the conversation or conversations that took place?
35. Why did you ask the hotel desk clerk to aid you in entering Mr. Sigler's room?
36. After you went to Mr. Sigler's room with the hotel desk clerk, what did you do while the hotel desk clerk went to the desk to get the pass key needed to open the door to Mr. Sigler's hotel room?

37. Did you hear any noise coming from within Mr. Sigler's room while you were waiting for the hotel desk clerk to return with the pass key?

38. If so, describe in detail what you heard?

39. While waiting for the hotel desk clerk to return, did you see anyone enter or leave the hotel rooms on either side of Mr. Sigler's room? If so, to the best of your knowledge, who were these people?

40. While waiting for the hotel desk clerk to return did you attempt to contact anyone? If so, who did you attempt to contact and why and what was the nature of such contact?

41. Describe in detail what you saw when the hotel desk clerk returned and opened the door to Mr. Sigler's room.

42. What actions did you take upon entering Mr. Sigler's room?

43. Upon entering Mr. Sigler's room did you disturb any objects in the room?

44. If so, what objects did you disturb?

45. Did you pick up any written materials or notes in Mr. Sigler's room?

46. If so, what was the nature of such written materials or notes?

47. Did you retain any written materials, notes or other objects, and if so, why did you retain such items?

48. What did you do with any written materials, notes or other objects which you did retain?

50. Have all written materials, notes or other objects retained by you from Mr. Sigler's room been turned over to the police, and if not, why haven't they been and who is in possession of these written materials, notes or other objects?

51. Upon entering Mr. Sigler's room and discovering the body, did you request that the hotel desk clerk call an ambulance and/or the police?

52. If so, why didn't you call an ambulance and/or the police yourself?

53. Why weren't the police and/or ambulance notified of the incident from the telephone in Mr. Sigler's room?

54. What did you do while the hotel desk clerk went downstairs to call an ambulance and/or the police department?

55. Did you or anyone with you make any telephone calls from Mr. Sigler's

room?

56. If so, who did you call and describe in detail the nature of the telephone conversation or conversations.

57. Describe in detail what was discussed in these conversations.

58. Did you leave and return to Mr. Sigler's hotel room?

59. If so, why did you leave, where did you go, and why did you return to Mr. Sigler's hotel room?

60. Did anyone else return with you to Mr. Sigler's hotel room? If so, who and why?

61. Did you at any time take a written inventory of the objects in Mr. Sigler's hotel room?

62. If so, name any other persons who assisted you in taking this written inventory.

63. What was done with this written inventory after it was completed?

64. Did you retain any or all of the inventoried objects?

65. If so, name and describe in detail each object that was taken.

66. Where and why were these objects taken?

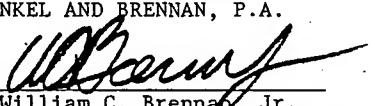
67. Were all of these objects later turned over to the police and if not, why not and who is in possession of these objects?

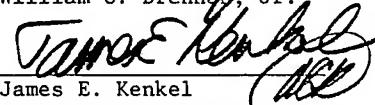
68. Other than the police and the hotel desk clerk, who else did you inform of Mr. Sigler's death? When did you inform each such person and why?

69. During his stay at Ft. Meade, was Mr. Sigler given a book in which he was to write certain recollections? If so, when and why was he given this book? What recollections was he asked to put in this book? Did he put his recollections in this book voluntarily? Was any pressure used to force him to write his recollections in the book? What did he write in the book and when was the book taken from him? Did he voluntarily give up the book?

Respectfully submitted:

KENKEL AND BRENNAN, P.A.

BY 
William C. Brennan, Jr.

BY 
James E. Kenkel
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of all Interrogatories were mailed, postage prepaid, this 5th day of March, 1981, to the parties listed below.


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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al.

*

Plaintiffs

*

vs.

Civil Action No. N-781237

MAJOR GENERAL C.J. LE VAN,
et al.

*

Defendants

*

*

I N T E R R O G A T O R I E S

TO: Peter Conway, Donnall J. Drake, Donald B. Grimes, Noel E. Jones,
Odell L. King, Lewis R. Martel, John Schaffstall, Defendants

FROM: Ilse M. Sigler, et al., Plaintiffs

You are requested to answer the following Interrogatories:

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(d) Where knowledge or information or possession of a party is requested, such request includes the knowledge of the party's agents, representatives, and unless privileged, his attorneys.

(e) The pronoun "you" refers to the party to whom these Interrogatories are addressed, and the persons mentioned in Clause (d).

1. Did Ralph J. Sigler object to being brought to Ft. Meade, Maryland?
2. Was he ordered to Ft. Meade, Maryland? If so, who ordered him. If not, was he requested informally to go to Ft. Meade? If so, who requested him to go to Ft. Meade?
3. Was any force used to bring Ralph Sigler to Ft. Meade, Maryland?
4. How would you describe Mr. Sigler's mental and emotional state when

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MARYLAND

he arrived at Ft. Meade, Maryland?

5. Did Mr. Sigler's mental and emotional state change during his visit to Ft. Meade, Maryland?

6. If so, how did his mental and emotional state change and why did this change occur?

7. Describe in detail any meetings you had with Mr. Sigler after his arrival at Ft. Meade, Maryland on April 4, 1976 up to the time of his death on April 13, 1976.

8. What was the nature and purpose of these meetings?

9. What was discussed at each of these meetings?

10. List all other persons present at each of these meetings.

11. Where did each of these meetings take place?

12. How long did each of these meetings last?

13. Was any force used to restrain Mr. Sigler during these meetings?

14. Was Mr. Sigler free to leave these meetings when he felt so inclined?

15. Did Mr. Sigler make any efforts to terminate these meetings at any time?

16. If so, describe in detail Mr. Sigler's efforts to terminate these meetings and whether he was successful in ending these meetings.

17. Describe in detail the nature and content of the questions asked of Mr. Sigler at each meeting.

18. Did you prepare any reports about these meetings?

19. Were Mr. Sigler's movements monitored while he was at Ft. Meade? If so, by whom?

20. While Mr. Sigler was at Ft. Meade, Maryland, did he take meals on a regular basis? How did he take his meals? Did he take his meals alone or in the company of others?

21. Was he at any time deprived of food? If so, when and why, and by whose instructions?

22. Was Mr. Sigler allowed to communicate freely with others?

23. If not, why not and how was he limited in his communications?

24. With whom did Mr. Sigler communicate outside of Fort Meade, Maryland?

25. Describe in detail these communications.
26. Was Mr. Sigler unable to communicate with a person or persons he wished to speak with and, if so, why was he unable to communicate with them when he wished to do so?
27. By whose instructions was he hindered from communicating with this person or persons?
28. Where was Mr. Sigler when he was not being questioned at Ft. Meade, Maryland?
29. When he was not being questions at Ft. Meade, Maryland, was he questioned elsewhere, and if so, where?
30. What did Mr. Sigler do when he was not meeting with anyone?
31. Was Mr. Sigler free to do whatever he chose to do when he was not meeting with anyone? If not, why?
32. Was he physically restrained from leaving the Ft. Meade area, and if so, how was he restrained and by whose instructions?
33. Was Mr. Sigler under orders to remain at Ft. Meade, Maryland?
34. Was Mr. Sigler administered polygraph tests while he was in the Ft. Meade area, and if so, when and where were these tests given and by whom?
35. Why was Mr. Sigler given polygraph tests?
36. Did Mr. Sigler voluntarily consent to these polygraph tests? Was any force used in administering these polygraph tests?
37. What questions were Mr. Sigler asked on these polygraph tests?
38. What were the results of these polygraph tests?
39. What was Mr. Sigler told as to the results of these tests?
40. What effect did these polygraph tests have on Mr. Sigler's mental, emotional, and physical state?
41. During any of the meetings with Mr. Sigler was he questioned about private papers, effects and memorabilia which he had assembled at his home in El Paso, Texas?
42. What questions were Mr. Sigler asked in regards to these documents?
43. Who questioned Mr. Sigler about these documents and when?
44. What was the purpose of these questions?

45. Was any force or threats of force, or coercion used to make Mr. Sigler answer questions about these documents?
46. Did Mr. Sigler deny the existence of these documents?
47. Were any promises made to Mr. Sigler in order to elicit from him information regarding these documents? If so, what promises were made and by whom?
48. Was Mr. Sigler repeatedly questioned as to these documents and if so, by whom and over what period of time?
49. Did Mr. Sigler express any hesitancy about discussing the nature and location of these documents?
50. Did Mr. Sigler's attitude change as to the discussion of the nature and location of these documents? If so how did his attitude change?
51. What led to Mr. Sigler's change of attitude?
52. Did discussion of these documents upset Mr. Sigler and if so, in what manner?
53. What information did Mr. Sigler give regarding the nature and location of these documents?
54. Did you relay any information regarding these documents to anyone else, and if so, to whom and why?
55. Did he consent to the taking of these documents from his residence in El Paso, Texas and if so, when did he consent and in what manner?
56. Did you make any written memoranda concerning these documents?
57. Were any promises made to Mr. Sigler in order to elicit from him his consent to the taking of these documents from his residence in El Paso, Texas. If so, what promises were made and by whom?
58. What documents did Mr. Sigler consent to have taken from his home?
59. To whom did he communicate his consent to the taking of these documents from his residence in El Paso, Texas? When did he communicate his consent?
60. How would you describe Mr. Sigler's mental, emotional, and physical state when he consented to the taking of these documents from his residence in El Paso, Texas?

61. Was Mr. Sigler asked to call his wife in El Paso, Texas, and relay his consent to her? If so, who asked him to relay such consent to her and were any threats, promises or coercion used in order to get Mr. Sigler to relay his consent to his wife? If so, what threats and/or promises were made and by whom? When did he relay his consent to his wife?

62. When he relayed his consent to her, did he do so because of physical force exerted upon him and if so, why?

63. How would you describe Mr. Sigler's mental, emotional and physical state when he relayed his consent to his wife as to the taking of these documents from his residence in El Paso, Texas?

64. Describe in detail what Mr. Sigler said to his wife.

65. What documents did he tell her to allow to be taken from his residence?

66. Was Mr. Sigler instructed as to what he should say to his wife in this conversation concerning his consent to the taking of the documents from his residence in El Paso, Texas?

67. When was the last time that you saw Ralph Sigler before his death on April 13, 1976? What was the nature of this meeting with Mr. Sigler? Who was present at this meeting? Where did this meeting take place? What was discussed at this meeting? Relate the remarks made by Mr. Sigler at this meeting?

68. How would you describe Mr. Sigler's emotional and physical state at your last meeting with him?

69. Did Mr. Sigler appear upset or depressed and if so, how?

70. Did you have any reason to believe that Mr. Sigler was in danger? If so, what type of danger did you believe he was in and why did you believe he was in danger?

71. To the best of your knowledge, did Mr. Sigler partake of any alcoholic beverages on the day of his death? If so, how much alcohol did he have, who gave the alcohol to him, and where?

Respectfully submitted:

KENKEL AND BRENNAN, P.A.

BY

William C. Brennan, Jr.

James E. Kenkel

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

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Department of Justice
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Washington, D.C. 20530

Copy

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

ILSE M. SIGLER, et al. *

Plaintiffs *

vs. *

Civil Action No. N-781237

MAJOR GENERAL C.J. LE VAN,
et al. *

Defendants *

*Major
re'd.*
3/5/81

*

*

INTERROGATORIES

TO: Donnall J. Drake

FROM: Ilse M. Sigler, et al., Plaintiffs

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1. Did you drive with Louis Martel to the Holiday Inn in Jessup, Maryland on the evening of April 13, 1976?

2. What was the purpose of your going to the Holiday Inn? Were you instructed or requested to go to the Holiday Inn and if so, by whom?

3. Did you accompany Mr. Martel when he went into the hotel?

5. Did you have any communications with Mr. Martel after he went into the hotel and if so, describe the nature and subject matter of these communications.

6. Did you communicate with anyone other than Mr. Martel and if so, describe the nature and subject matter of these conversations.

7. Did you finally go into the hotel and if so, what prompted you to go into the hotel?

Respectfully submitted:

KENKEL AND BRENNAN, P.A.

BY _____
William C. Brennan, Jr.

BY _____
James E. Kenkel
Attorneys for Plaintiffs

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R. John Sibert, Esq.
Raymond M. Larizza, Esq.
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Washington, D.C. 20530

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-3-7-78

PLAINTIFF ILSE M. SIGLER, etc., et al	DEFENDANT C. J. LE VAN, etc., et al	DOCKET NO. <u>N-78-123</u>
		PAGE <u> </u> OF <u> </u> PAGES

DATE 1980	NR.	PROCEEDINGS
Jan. 7	154	Order (Northrop, C.J) "GRANTING" in part and "DENYING" in part Motions of Defendants to Dismiss as therein more particularly set forth. (c/m 1/7/80- cal)
Feb. 11	155	Motion and Order (Northrop, C.J.) "Extending" time for Defendant, <u>CLIFFORD ALEXANDER</u> , to serve his Response to paragraph seven of the Order entered in this action of January 7, 1980, until February 15, 1980. (C/M 2/13/80 CLK)
Feb. 25	156	Motion of Defendant, Clifford Alexander for Protective Order; and Proposed Order. (c/s)
" "	157	Response of Defendant Clifford Alexander to the Opinion and Order dated January 7, 1980, and in support of Motion for Protective Order. (c/s)
Feb. 29	158	Notice of Appeal of Plaintiff. (c/m 3/5/80). (Filing fee paid).
" "	159	Notice of Appeal of Plaintiff - Re: Civil Case No. N-79-918. (c/m 3/6/80). (Filing fee paid).
Mar. 12	160	Opinion (Northrop, C.J.)
" "	161	Order (Northrop, C.J.) "GRANTING" in part and "DENYING" in part, Motions of Defendants to Dismiss as to Plaintiff's claims as to violations of the fourth and fifth amendment violations as therein more particularly set forth; and "DENYING" Motion of Defendant Donnall J. Drake to Dismiss complaint in Civil Action N-78-1237. (Copies of Opinion and Order mailed to all parties 3/12/80 jpw)
" "	162	Order (Northrop, C.J.) "GRANTING" Motion of Defendant Clifford Alexander for Protective Order that any future discovery shall be limited to interrogatories under Rule 33 of the FRCP and Requests for production of documents under Rule 34 of the FRCP. (c/m 3/12/80 jpw)
May 2	163	Attested copy of the Order of the U.S. Court of Appeals, for the Fourth Circuit "Granting" Motion of Aaron, et al, to "Dismiss" Appeals.
June 13	--	Status Conference held before Northrop, C.J.
June 20 <u>1981</u>	164	Discovery Order (Northrop, C.J.). (c/m 6/24/80 - cah)
Feb. 5	165	Discovery Order (Northrop, C.J.) (dated 2/3/81) (c/m 2/5/81 jpw)
March 5	166	Interrogatories (26) of Plaintiffs propounded to Defendant, John Schaffstall.
" "	167	Interrogatories (7) of Plaintiffs propounded to Defendant Donnall J. Drake.
" "	168	Interrogatories (69) of Plaintiffs propounded to Defendant Louis R. Martel.
" "	169	Interrogatories (71) of Plaintiffs propounded to Defendants, Peter Conway; Donnall J. Drake; Donald B. Grimes; Noel E. Jones; Odell L. King; Lewis R. Martel, and John Schaffstall.

-continued on next page-

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO.
ILSE M. SIGLER, etc., et al	C. J. LE VAN, etc., et al	N-78-1237

DATE	NR.	PROCEEDINGS
1981		
March 5	170	Interrogatories (35) of Plaintiffs propounded to Defendants, Donnall J. Drake; Noel E. Jones, and Donald B. Grimes.
Apr. 13	---	Status conference held before Northrop, C.J. (Via Telephone)
" 20	171	Interrogatories (20) (First Set) of Defendants propounded to the Plaintiffs.
" "	172	Request of Defendants (First) for Production of Documents by the Plaintiffs.

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

M Memorandum

TO : DIRECTOR, FBI (62-117536)
Attn: Legal Counsel Division

DATE: 6/3/81

FROM *W. SAC*, BALTIMORE (197-42) (SQ. 7) (P)

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

P
ReBAlet to Bureau, 5/5/81.

A review of docket for captioned matter at Clerk's
Office, U. S. District Court, District of Maryland, on
5/19/81 indicates no change in status.

62-117536-67

② Bureau
② Baltimore
BDA:jam/dfi

66-117536-67
JUN 4 1981

Legal Counsel



Memorandum



To : DIRECTOR, FBI (62-117536) Date 7/17/81
(ATTN: LEGAL COUNSEL DIVISION)

From : SAC, BALTIMORE (197-42) (SQ. 7) (P)

Subject : MLE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

RE: Baltimore letter to Bureau, 6/3/81.

Enclosed for the Bureau is one copy of the current docket sheet obtained on 6/22/81 which indicates numerous entries on 6/9/81 and 6/16/81. However, none of the entries indicate any change concerning the FBI or defendant Francis Prasek, Special Agent, FBI.

② - Bureau (enc. 1)
2 - Baltimore
BDA/geb
(4)

CC / copy of docket sheet - Rm 7338
64 AUG 11 1981

62-117536-68
JUL 22 1981

LEgal Counsel

VIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>N-78-1237</u>
ILSE M. SIGLER, etc., et al		C. J. LE VAN, etc., et al	PAGE <u>7</u> OF <u> </u> PAGES
DATE		PROCEEDINGS	
March 5	170	Interrogatories (35) of Plaintiffs propounded to Defendants, Donnall J. Drake; Noel E. Jones, and Donald B. Grimes.	
Apr. 13	---	Status conference held before Northrop, C.J. (Via Telephone)	
" 20	171	Interrogatories (20) (First Set) of Defendants propounded to the Plaintiffs.	
" "	172	Request of Defendants (First) for Production of Documents by the Plaintiffs.	
June 9	173	Deposition (copy) of Louis R. Martel taken on behalf of Defendants on April 9, 1981. (Filed Separately)	
" 16	174	Answers of Defendant John Schaffstall to Interrogatories propounded by the Plaintiff.	
" "	175	Answers of Defendant Donnel Drake to Interrogatories propounded by the Plaintiff.	
" "	176	Answers of Defendant Donald B. Grimes to Interrogatories propounded by the Plaintiff.	
" "	177	Answers of Defendant Noel E. Jones to Interrogatories propounded by the Plaintiff.	
" "	178	Response of Defendant Donnel Drake to Interrogatories propounded by the Plaintiff.	
" "	179	Answers of Defendant John Schaffstall to Interrogatories propounded by the Plaintiff to Messrs. Conway, Drake, etc.	
" "	180	Response of Odell King to Interrogatories propounded by Plaintiffs to Conway, Drake, etc.	
" "	181	Response of Defendant Noel E. Jones to Interrogatories propounded by Plaintiffs' to Conway, Drake, etc.	
" "	182	Response of Defendant Donald B. Grimes to Interrogatories propounded by Plaintiffs' to Conway, Drake, etc.	
" "	183	Response of Defendant Donnel Drake to Interrogatories propounded by Plaintiffs' to Conway, Drake, etc.	
" "	184	Response of Defendant Peter Conway to Interrogatories propounded by Plaintiffs' to Conway, Drake, etc.	

Memorandum



To : DIRECTOR, FBI (62-117536)
(ATTN: LEGAL COUNSEL DIVISION) Date 8/17/81

From : SAC, BALTIMORE (197-42) (SQ. #7) (P)

Subject : *JK*
ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

Reference Baltimore letter to Bureau, 7/17/81.

On 7/30/81, the current docket sheet was reviewed at U.S. District Court, for the District of Maryland at which time it was determined that there was no change or addition.

62-117536-69

23 AUG 20 1981

LEGAL COUNSEL
[Signature]

② - Bureau
2 - Baltimore
BDA:sal
(4)

Acc. Rm 7538
64 AUG 27 1981
10

Memorandum



To : DIRECTOR, FBI (62-117536)
(ATTN: LEGAL COUNSEL DIVISION)

Date 9/14/81

From : ~~W~~ SAC, BALTIMORE (1974-42) (SQ. 7) (P)

Subject : ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

RE: Baltimore letter to Bureau, 8/17/81.

On 9/1/81, the current docket sheet was reviewed at U. S. District Court, for the District of Maryland, at which time it was determined that there was no change or addition.

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62-117536-70

— — —
② SEP 17 1981
— — —

② - Bureau
2 - Baltimore 9/17/81
BDA/geb
(4)

80

LEGAL COUNSEL

Memorandum



To :
From :
Subject :

DIRECTOR, FBI
(ATT: LEGAL COUNSEL DIVISION)
SAC, BALTIMORE (197-42) (SQ. 7) (P)

Date 10/26/81

ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

Re Baltimore letter to Director dated 9/14/81.

On October 5, 1981, the current docket sheet for captioned matter was reviewed at U.S. District Court in the District of Maryland, Baltimore, Maryland, at which time it was determined that no changes had taken place concerning this matter. However, it should be noted that the file had been removed from the Clerk's Office and was currently being reviewed by Judge Northrup.

192-117536-71

② - Bureau
2 - Baltimore (197-42)
BDA:dmh
(4)

3 OCT 28 1981

CC- 5 NOV 6 1981

Memorandum



To :
From :
Subject :

DIRECTOR, FBI
(ATTN: LEGAL COUNSEL DIVISION)

Date 11/23/81

SAC, BALTIMORE (197-42) (Sq. #7) (P)

ILSE M. SIGLER, ET AL;
MAJOR GENERAL C J. LE VAN, ET AL;
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

Reference Baltimore letter to Director,
dated 10/26/81.

On 11/4/81, a current docket sheet for captioned matter was reviewed at U.S. District Court for the District of Maryland, which revealed no change.

62-117536-72

10 NOV 27 1981

2 - Bureau
2 - Baltimore
BDA:sat
(4)

Crain
CLW
GMB/MSB
LEGAL COUNSEL

11/23/81